

Sidewalk Vendor Workshop

City of Pomona

November 6, 2024

Agenda

- Welcome & Introductions
- Sidewalk Vendor Regulations
- City Business License & Sidewalk Vending Permit
- Violations Vending Ordinance & Obstructions
- Public Outreach
- LA County Public Health Compact Mobile Food Operation (CMFO)
- Questions & Answers



Sidewalk Vending Regulations

October 21, 2019 – City Council adopted the Sidewalk Vending Ordinance and Regulations (Ordinance No. 4270 & Resolution No. 2019-162).

October 21, 2024 – City Council amended the Sidewalk Vending Ordinance and Regulations (Urgency Ordinance No. 4351, Ordinance No. 4349 & Resolution No. 2024-155) to address *public health & safety*.

Stationary vs Roaming Vendors

Stationary Vendors – Sidewalk vendor who vends from a fixed location and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk.

Operating Areas – May not operate in an area zoned exclusively residential; may operate in commercial or industrial zone. **Roaming Vendors** – Sidewalk vendor who moves from place to place and stops only to complete a transaction.

Operating Areas – May operate in residential, commercial or industrial zones. Vendors operating in areas exclusively zoned residential shall move continuously, except when conducting a sale, which must last no more than 7 minutes per sale.

Hours of Operation: 7:00 am – 12:00 am

Hours of Operation in residential zones: 8:00 am – 8:00 pm

Public Health & Safety Standards

- Sidewalk vendor shall only operate on sidewalk that is at least 9 feet wide.
- Sidewalk vendor shall maintain a minimum 4 foot wide clear path of travel.
- Stationary Vendor conveyance must not exceed a length of 6 feet, a width of 4.5 feet, or a height, including roof or awning of 6.5 feet. A small table for condiments may be allowed. No other signs, tables, chairs, umbrellas are allowed.
- Stationary Vendor shall maintain a 20-foot distance from another Stationary vendor.
- Stationary sidewalk vendors shall not operate in any alley or off-street parking facility/parking lot.
- Sidewalk vendors shall not vend directly to a vehicle.

Prohibited Areas

- Ballfields, grass turf, playground areas, public parks including paved or unpaved trails or paths, or in any other public space that is not a sidewalk. Vendors are only allowed adjacent to public parks on a public sidewalk more than 9 feet wide.
- On any public or private parking lot or City-owned property without prior City approval, subject to zoning requirements and special permits.
- Within 500 feet of any K-12 school (public or private) from 6:00 am 6:00 pm on days that school is open to students.
- Within 200 feet of the Fairplex every day of the Los Angeles County Fair.

Prohibited Areas

- Within 200 feet of a farmers' market or a swap meet, during the limited operating hours of these events.
- Within 200 feet of a site designated by a temporary event permit or special event permit, for the limited duration of the permitted event, including, but not limited to, construction related street or lane closures, street fairs, filming.
- On any private property without first having obtained permission in writing, subject to zoning requirements.

Prohibited Areas

In the Downtown Specific Plan Mixed Use-Central Business District (MU-CBD)

(Bounded by W. First Street to the north, S. Gibbs Street to the east, W. Fourth Street to the south, and S. Parcels Street to the west).



Sidewalk Vendor Regulations Public Health & Safety – Placement and Clearances

- Prohibited within 15 feet of:
 - marked crosswalk or the curb return of an unmarked crosswalk.
 - fire hydrant, fire call box or other emergency facility.
 - marked bus zone, bus bench or transit shelter.
 - driveway or driveway apron.
- Prohibited within 20 feet of an entrance or exit door to any building.
- Prohibited within 10 feet of an outdoor dining or patio dining area.
- Prohibited within 50 feet of a traffic signal or stop sign.
- Prohibited within 15 feet ahead of and 45 feet to the rear of a sign designating a bus stop.
- Prohibited within 45 feet of the intersection.

Sidewalk Vendor Regulations Public Health & Safety – Placement and Clearances

- Prohibited within 5 feet of:
 - Street lights
 - Edges of tree wells
 - Parking meters
 - Street furniture (e.g., benches and bike racks)
 - News stands
 - Above ground utility structure
- Prohibited adjacent to any red curbs.

Public Health & Safety Operations

- Vendors shall not connect equipment to any water lines, electrical lines, or gas lines external to the equipment during vending operations.
- Vendors shall not use amplified sound-making devices in conjunction with vending, such as speakers or microphones.
- Vendors shall not use the walkway, sidewalk or public right-of-way to provide seating or tables for customers.

Public Health & Safety Operations

- Vendors shall not use portable generators, outdoor wood burning ovens, charcoal barbecues, gasoline, kerosene or propane or open flame that is not approved by LA County Public Health.
- Vendors shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city trash cans, streets, storm drains, catch basins, tree wells, or sewer facilities. All liquid shall be contained in vendor's trash can and properly disposed of by the vendor.
- Sidewalk vending of services, including rental services, is prohibited.

City Business License & Sidewalk Vending Permit

Application and Requirements

- A maximum of *two (2)* vending equipment/locations per applicant.
- Name, current mailing address, and telephone number of the applicant vendor and vending equipment owner along with proof of applicant's personal identification.
- Whether vending equipment will be operated by a stationary sidewalk vendor or a roaming sidewalk vendor.
- Description of the food or merchandise offered for sale.

City Business License & Sidewalk Vending Permit

Application and Requirements

- The location(s) in which the applicant proposes to operate, including vending routes along or in proximity to any major cross streets.
- The days and hours of operation at such locations.
- Proof of comprehensive general liability insurance.
- Any food vendor has to provide proof that equipment is approved by LA County Public Health. Any sidewalk vendor selling food shall have a Food handler's card.
- Permit is not transferrable to another vending equipment, location or route.

City Business License & Sidewalk Vending Permit

Process

- Business License Fee Non-Food: \$167.05 for first \$10,000 in gross sales, plus \$0.50 for each additional \$1,000 up to \$1,000,000 in gross sales.
- **Business License Fee Food**: \$167.05 for first \$10,000 in gross sales, plus \$1.00 for each additional \$1,000 up to \$1,000,000 in gross sales.
- Steps:
 - Make an appointment with Code Compliance at to discuss vending location
 - Code Compliance will review and approve location
 - Code Compliance will verify if Food Vendors have required LA County Public Health Permits
 - Submit completed application and fee to Business License
 - Business License will issue the Business License and Sidewalk Vending Permit (decal for equipment)

Violations

Administrative Fines - SB 946

Permitted Sidewalk Vendors that violate the Sidewalk Vending Ordinance rules and regulations shall be subject to the following fines.

- 1. Administrative fine of \$100 for a first violation.
- 2. Administrative fine of \$200 for a second violation within one (1) year of the first violation.
- 3. Administrative fine of \$500 for each additional violation within one (1) year of the first violation.

Violations

Administrative Fines – SB 946

Unpermitted Sidewalk Vendors vending without a permit shall be subject to the following fines:

- 1. Administrative fine of \$250 for a first violation.
- 2. Administrative fine of \$500 for a second violation within one (1) year of the first violation.
- 3. Administrative fine of \$1,000 for each additional violation within one (1) year of the first violation.

Pursuant to SB 946, failure to pay an administrative fine shall not be punishable as an infraction or misdemeanor. Additionally, any violation of the Ordinance shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of the Ordinance shall not be subject to arrest except when otherwise permitted under law.

ADA Compliance & Open Flame

October 21, 2024 – City Council adopted Urgency Ordinance No. 4352 and Ordinance No. 4350 to ensure the unobstructed flow of pedestrian traffic on public sidewalks in compliance with the Americans with Disabilities Act (ADA), and traffic on roadways and streets; and address obstructions involving open flames.

Ordinances safeguard public safety by minimizing the risk of pedestrians from dangerous situations; coordinate the multiple uses of the public right-of-way; and ensure the unobstructed flow of pedestrian traffic on public sidewalks and pedestrian paths, and vehicular traffic on roadways.

Unlawful Obstructions

Obstruction – Any items or materials placed, or maintained on public property for a period in excess of 30 minutes.

Unlawful Obstructions – It shall be unlawful for any person to place any of the following on a pedestrian path, walkway, sidewalk, off-street parking lot or street/roadway without a permit.

- Any chair, stool, bench, table or any materials or items that form a chair or table or stand.
- Any compressed gas container or flammable liquids, gasses or solid fuels including but not limited to gasoline, kerosene, or propane.
- Any ovens, barbecues, grills or cooking device with an open flame or heat source.
- Any banner or freestanding sign on a walkway, sidewalk or Street/Roadway.
- Trashcan.

Enforcement of Obstructions

Upon observing and documenting a violation, the Enforcement Officer may order to cure or impound the obstruction by proceeding with the following:

- 1. Order to cure or remove the Obstruction;
- 2. Issue a warning or administrative citation; or
- 3. After failure to cure or remove the Obstruction and based on the risk to public safety, impound the items or materials creating the obstruction.

Enforcement of Obstructions

Impoundment of obstructions:

- 1. Enforcement Officer shall issue a receipt to the person who put the Obstruction in place that includes the date and time of the impoundment, a description of the items, and instructions on how to reclaim them.
- 2. If the Enforcement Officer determines that due to its condition the equipment cannot be safely stored and must be destroyed, the Enforcement Officer shall state this on the receipt.
- 3. Impounded items may be reclaimed within 60 days, or at such earlier time the City determines that the equipment cannot be safely stored, impounded equipment will be deemed forfeited to the City.

Public Outreach

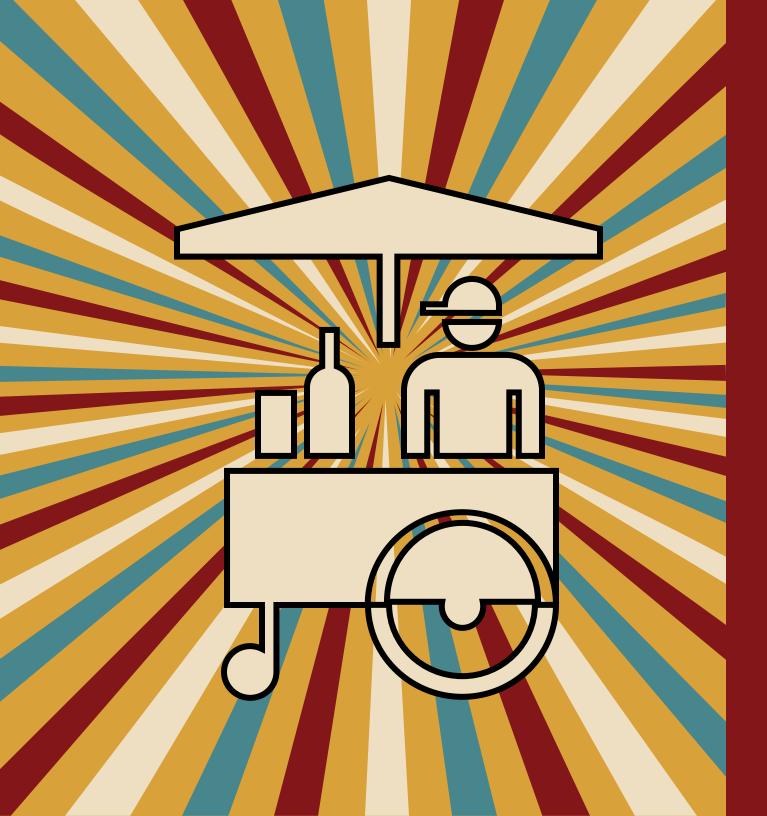
November 1st – November 16th Code Compliance Educational Outreach Advising sidewalk vendors of the new vending and obstruction regulations and inviting vendors to tonight's workshop.

November 6th – Sidewalk Vending Workshop

November 18th – City continues to ask vendors to comply. In order to protect the public safety & welfare of the community, the City will begin taking appropriate corrective actions toward vendors who remain non-compliant with the Ordinances and regulations.

Questions?

Contact Code Compliance at (909) 620-2374 or CodeCompliance@pomonaca.gov



Street Food Vending: How to **Get a Compact Mobile Food** Operation (CMFO) Permit



Steps to Getting a Health Permit



- 1. Determine the type of food to be offered
- 2. Determine the type of non-motorized conveyance needed
- 3. What are the operational & structural requirements
- 4. Are written operational procedures required
- 5. What type of commissary is needed
- 6. Getting the Compact Mobile Food Operation approved
- 7. Public Health application process



Deciding Food Type



- Prepackaged non-perishable food
- Prepackaged potentially hazardous food
- Limited food preparation that does not include raw meat, raw poultry or raw fish
- Limited food preparation of raw meat, raw poultry or raw fish



What is Limited Food Preparation?

- (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 or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing. *NEW*
- (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) Holding, portioning, and dispensing of any foods that are prepared by a catering operation.



What is Limited Food Preparation?

(5) Slicing and chopping of non-potentially hazardous 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. *NEW*

- (6) Cooking and seasoning to order.
- (7) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.
- (8) Hot and cold holding of food that has been prepared at an approved permanent food facility. **NEW**
- (9) Reheating of food that has been previously prepared at an approved permanent food facility and held at temperatures required by this chapter. *NEW*



Structural **Requirements for** <u>All permitted Compact</u> Mobile Food **Operations**

Business identification

- The business name or name of operator (3" high), city, state, ZIP code, and name of permitholder if different from the name of the facility (1" high)
- Must be legible, visible to consumers, and permanently affixed on the consumer side of the CMFO.





Structural **Requirements for All Permitted Food Carts/Wagons or Other Non-Motorized Conveyances**

All equipment shall be

- Of smooth materials and easily cleanable surfaces
- Readily accessible
- Integral with the cart, unless approved for sitespecific operation
- Certified or classified for sanitation
- Must have a first aid kit in an enclosed case.









Operational Requirements for All Permitted **Compact Mobile** Food Operations

All permitted CMFOs must have

 Overhead protection



 Food from approved source **倉**県

 Food properly stored to protect
 from elements



 Access to a commissary





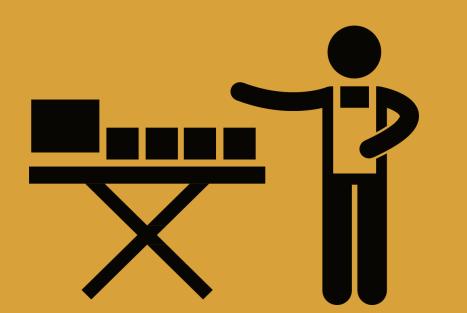
Types of Compact Mobile Food Operations (CMFO)



- 1. Exempt from a Health Permit
- 2. Low Risk
 - Stand greater than 25 square feet of prepackaged non-perishable food
 - Prepackaged ice cream bars and frozen fruit bars
- 3. Moderate Risk
 - Can sell potentially hazardous foods & conduct limited food preparation
- 4. High Risk
 - Can cook and season meat while grilling



Exempt CMFO



Selling less than 25 sq. ft. Prepackaged Non-perishable Food

Examples: bagged chips, bottled water, whole oranges

• Overhead protection



- Food from approved source
- Food properly labeled



 Food properly stored to protect from elements (dirt, dust, sewage, vermin)



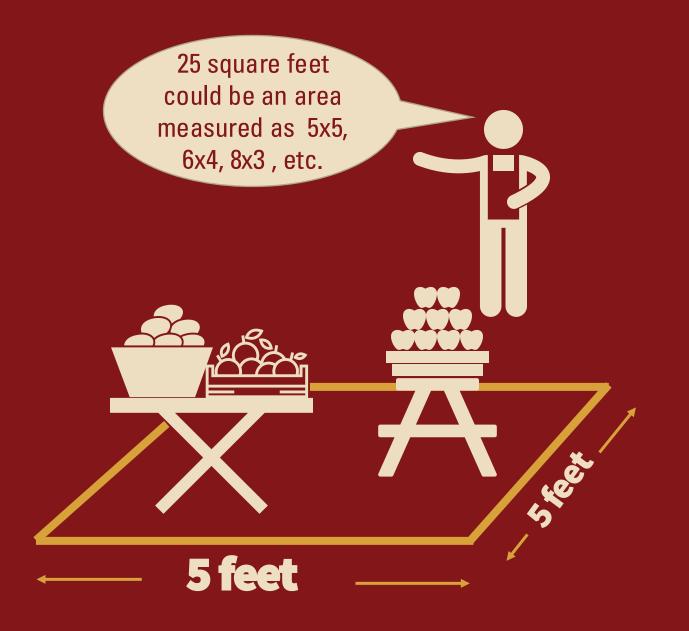
Subject to inspection as a result of a complaint or just cause.



What does 25 square feet look like?

You can display up to 25 square feet of food to be considered exempt.

Make sure to check with city for any restrictions based on city street vending ordinances.





Low Risk CMFO

Displaying more than 25 square feet of prepackaged non-perishable food.

Can obtain a permit to sell from any of the following to be considered a Compact Mobile Food Operation:

- Table
- Stand
- Rack for displaying food

Sold on a sidewalk or other pedestrian path.

A health permit is required. You must also comply with all local sidewalk vending ordinances.

Operational Requirements

• Overhead protection



 Food from approved source



 Food properly stored to protect from elements



Access to a commissary





Low Risk CMFO

Prepackaged ice cream bars and frozen fruit bars. No scooping.



No plan check submission is required, only a Compact Mobile Food Facility evaluation.

A health permit is required. You must also comply with all local sidewalk vending ordinances.

Requirements

 Approved food cart or other non-motorized conveyance



 Food from approved source



- Food properly stored to protect from elements
- Access to a commissary







Moderate Risk CMFO

Selling Prepackaged Perishable Food



A health permit is required. You must also comply with all local sidewalk vending ordinances. Can obtain a permit to sell from any of the following to be considered a Compact Mobile Food Operation:

- Food cart
- Wagon
- Other non-motorized conveyance

Basic Requirements:

- Business name 3" in height
 - Address 1 " in height
- Post permit in visible location to public
- Integral mechanical refrigeration/hot holding equipment
- Approved food storage
- Overhead protection
- Approved commissary



Moderate Risk CMFO

Selling <u>Unpackaged Food</u>



Additional Structural Requirements

 Mechanical refrigeration for any cold holding of PHF



• Hot holding equipment for PHF

If conducting food preparation:

• Spare utensils or utensil washing sink



- Hand washing sink
- Sufficient counter space to prepare food inside food compartment
- Wastewater tanks

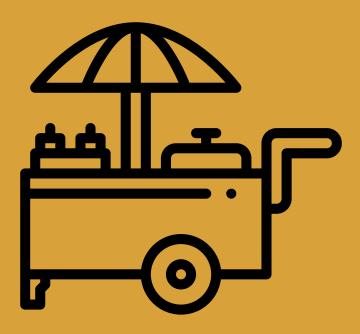








Moderate Risk CMFO

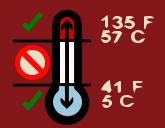


- Hot/Cold holding
- Reheating



- Slicing prewashed produce
- Food preparation for immediate service (no raw meat, raw poultry, or raw fish)

 Keep perishable food at approved temperatures



If conducting **food preparation**:

- Food must be disposed of at end of the day
- Food handler card
- Written Operational Procedures







Additional Operational Requirements



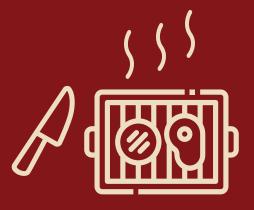


E.g., Grill carts

Must meet Chapter 10 requirements, unless specifically exempted

High-Risk food carts may conduct limited food preparation which includes raw meats, raw poultry, and raw fish

•



 Handle raw meats, poultry, or fish Slicing of raw meat, poultry, or fish on a hot surface

• Food must be disposed of at end of the day





What can't be done on a Compact Mobile Food Operation



 Slice or cut perishable food, except produce, unless on heating surfaces



 Cook/cool for later use



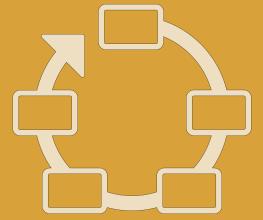
Thaw



• Serve/sell oysters



Written Operational Procedures (WOPS)



What are WOPs?

- Step-by-step instructions to help users carry out routine tasks
- They are like the instructions that come with a TV, or recipes



- Are required when handling unpackaged food
- Must be kept on the CMFO



Written Operational Procedures (WOPs)

What do I need to include?

 Menu, food preparation, cleaning, and sanitizing, etc.

 Assistance is available – fee based on hourly rate

A.000	nact Mobile Food Oneration (food cart)
	pact Mobile Food Operation (food cart)
	Written Operational Procedures
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Template available on our webpage.

http://publichealth.lacounty.gov/eh/business/compact-mobile-foodoperation.htm



Food Cart Food Wagon Approval Process



There are 3 options

 Purchase a standard cart directly from manufacturers

2. Purchase a previously permitted cart

3. Design your own



Purchasing a Food Cart

Made from a Standard Plan



When purchasing a <u>standard cart</u> from the manufacturer, submit:

- PHP & CMFO Supplemental Application
- CMFO evaluation fee and other applicable fees
- <u>Attestation</u> from the manufacturer that the cart was built according to approved health department plans.
- Ownership Documents
- Commissary Contract or Shared Kitchen Agreement
- Written Operating Procedures, if applicable





Purchasing a Food Cart

From another permittee



Ensure Certification sticker is affixed to cart

When purchasing a previously permitted cart, submit:

- PHP & CMFO Supplemental Application
- CMFO evaluation fee and other applicable fees
- Public health permit from the previous
 owner
- Ownership Documents
- Commissary Contract or Shared Kitchen Agreement
- Written Operating Procedures, if applicable





Building a Food Cart

Building it from scratch



If you are designing your own cart or unenclosed, non-motorized conveyance, submit:

- A CMFO Plan Check Application and the applicable fee
- A full set of **design plans**
- Proposed menu & Written Operational Procedures, if applicable
- Review time is 20 working days from date of submission





REMINDER: Types of CMFOS



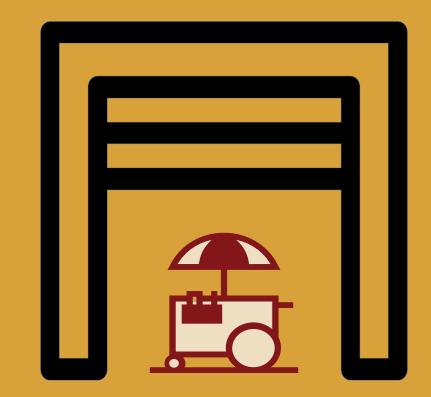
1. Exempt from Health Permit

- 2. Low Risk
 - Stand greater than 25 square feet
 - Prepackaged ice cream bars or frozen fruit bars
- 3. Moderate Risk
 - Can sell prepackaged, potentially hazardous foods
 - Unpackaged potentially hazardous food
- 4. High Risk
 - Can cook and season meat for immediate service

No permit required If selling less than 25 square feet of uncut produce, soda, chips, other packaged non-perishable food



I have a cart, what's next?



Need to determine what type of commissary you need:

- Food preparation area to conduct food activities that are not part of limited food preparation
- Food storage
- Cleaning of utensils and equipment
- Cleaning and servicing of cart
- Filling of potable water tanks
- Disposing of liquid waste
- Storage of cart only



Commissary **Option #1: Commissary that has been** approved to support mobile food facilities

Visit: <u>http://publichealth.lacounty.gov/eh/business/compact-</u> <u>mobile-food-operation.htm</u> for a list of commissaries. • There are commissaries that have a health permit to support mobile food facilities

• Verify that the commissary can support your operation before signing a contract

• You will be required to submit the commissary contract with the health permit application.

SUBMIT THE APPLICABLE DOCUMENTS WITH THIS APPLICATION:

- Commissary Contract dated within the past 30 days or Shared Food Facility Agreement to indicate where food will be
- prepared and stored (if not requesting a Home Storage Evaluation), and where CNIFO will be cleaned and have maintenance.
- Written Operational Procedures + Menu for the CMFO.
- Attestation Letter, for Standard Plan CMFO only.
- Ownership Document: Valid Driver's License or California I.D., DMV Registration for vehicle (if applicable), and Articles of Incorporation (if applicable)



Commissary Option #2:



<u>Permitted Food Facility (PFF)</u> (e.g., restaurant, food market retail)

Process for approval

- Complete a Shared Food Facility Agreement
- Request a site evaluation for the Permanent Food Facility (PFF) and pay the applicable fee
- If the PFF does NOT take responsibility for all health code violations of the CMFO while operating in the PFF, the CMFO needs to obtain a separate permit.



Commissary Option #3:



<u>Commercial Kitchen with no</u> <u>current health permit</u> <u>(e.g., church kitchen)</u>

Process for approval

- Requires site evaluation to determine what type of support can be provided to Compact Mobile Food Operations (CMFO)
- Upon approval, the kitchen operator receives a CMFO commissary permit
- CMFO operators will provide a contract from the kitchen operators with their permit application



Storage Only of a CMFO: <u>Private Home</u>



Is not a commissary

- Requires endorsement from the health department
- May be able to store up to two CMFO carts
- May store prepackaged nonperishable food and whole produce only – in an approved manner
- Subject to complaint investigations
- Any food preparation, cleaning, and servicing <u>MUST</u> be done at a permitted food facility or commissary



Summary of Vendor permitting



Submit to the Mobile Food Program (MFP) :

- PHP Application
- CMFO Supplemental Application -select services required

With the following:

- Attestation from manufacturer
- Written Operational
 Procedures
- Commissary/ Support unit docs
- Ownership
 documents

Purchasing

Standard CMF0

(Optional steps in green)

Pay CMFO eval, PHP & other applicable fees.



Schedule an appointment(s) for:

Cart evaluation

And the below as needed:

- Home Endorsement (HE)
- Permanent Food Facility(PFF) evaluation



Complete cart and other evaluations, if applicable, at the designated location

If the cart and PFF or Home are approved:

- Certification sticker applied to the CMFO
- CMFO may receive a separate permit to use the PFF if needed



Once CMFO & PFF or Home pass inspection:

 An approval report is issued to allow
 CMFO to operate
 & utilize a PFF or
 home for storage.

PHPs will be mailed to the operator within 30 days

Applications may be submitted by email or in-person



Summary of Vendor permitting



Submit to the Mobile Food Program (MFP) :

- PHP Application
- CMFO
 Supplemental
 Application -select
 services required

With the following:

• Prior PHP

Purchasing

Previously permitted

CMFO

(Optional steps in green)

- Written Operational
 Procedures
- Commissary/ Support unit docs
- Ownership documents

Pay CMFO eval, PHP & other applicable fees.

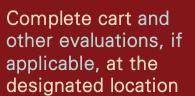


Schedule an appointment(s) for:

• Cart evaluation

And the below as needed:

- Home Endorsement (HE)
- Permanent Food Facility(PFF) evaluation



3

If the cart and PFF or HE are approved:

- Certification sticker applied to the CMFO
- CMFO may receive a separate permit to use the PFF if needed



Once CMFO & PFF or Home pass inspection:

 An approval report is issued to allow CMFO to operate & utilize a PFF or home for storage.

PHPs will be mailed to the operator within 30 days



Applications may be submitted by email or in-person

Summary of Vendor permitting



Submit the following to the Plan Check Program:

- CMFO Plan Check
 Application
- 2 sets of plans
- Plan check fee
- Proposed menu
- Written
 Operational
 Procedures

Custom Built

CMFO

(Optional steps in green)



Once plans are approved:

• Build cart

Submit the following <u>before</u> the final inspection:

- Commissary Contract or
- Shared Food Facility Agreement & request PFF & Home Endorsement (HE) eval, as needed
- PHP application
- CMFO Supplemental Application
- Ownership docs
- CMFO PHP fee
- PFF, HE fees, as needed



Complete cart and other evaluations, if applicable, at the designated location

If cart is NOT approved:

 Correct and make a new appointment

If approved, go to the next step



Once CMFO and PFF or Home are approved:

- Certification sticker is applied to the CMFO
- An approval report is issued to allow CMFO to operate & utilize a PFF or home for storage.

PHPs will be mailed to the operator within 30 days



Applications may be submitted by email or in-person

Costs & Permit Fees

One-time Fees

- Plan Check Submission
- CMFO evaluation fee
- Evaluation fees, if needed, for:
 - Community Kitchens or Permanent Food Facilities (PFF)
 - Auxiliary units
- Home endorsement

Annual Fee

- Public Health Permits:
 - CMF0
 - CMFO using a PFF as a commissary



New fees became effective on March 6, 2024, and can be reviewed on our website

What SB972 Didn't Address?

"Pop-up food stands"





A pop-up food stand is comprised of restaurant-style equipment and food tables that are set up under a tent where food is prepared.



A Potential Solution

Establishing a "community event" to support food stand vendors



To learn more contact: Community Events (626) 430-5230





Contact Us

- For questions about Compact Mobile Food Operations call (626) 430-5156
- For general questions or establishing a Community Event call (626) 430-5320
- Email us at ehconsultative@ph.lacounty.gov

http://publichealth.lacounty.gov/eh/business/compact-mobile-food-operation.htm







Thank you! Questions?

Contact Code Compliance at (909) 620-2374 or CodeCompliance@pomonaca.gov