

1 [Health, Business and Tax Regulations, Public Works Codes - Compact Mobile Food
2 Operation Definitions and Fees]

3 **Ordinance amending the Health and Business and Tax Regulations Codes to revise the**
4 **definition of a mobile food facility permit, and add definitions for compact mobile food**
5 **operations, mobile support unit, and permitted auxiliary conveyance permits to reflect**
6 **recent amendments to the California Retail Food Code, and revise existing definitions**
7 **of various other terms to reflect State law definitions in that Code;** and expand the
8 definition of stadium concession to include food facilities in stadiums with a seating
9 capacity of 5,000 or more; **establish annual permit and plan check fees for auxiliary**
10 **conveyance, compact mobile food operation, and mobile support unit permits; and**
11 ~~**remove annual food facility surcharge fees, waive license and permit fees for compact**~~
12 **mobile food operations;** **amending the Public Works Code to include a definition for**
13 **compact mobile food operations and to expand the Department of Public Works' street**
14 **vending authority to include regulation of compact mobile food operations, and to**
15 **require that Department to consult with the Department of Public Health and the Fire**
16 **Department when issuing rules and regulations that regulate street vendors.**

17
18 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
19 **Additions to Codes** are in *single-underline italics Times New Roman font*.
20 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
21 **Board amendment additions** are in double-underlined Arial font.
22 **Board amendment deletions** are in ~~strikethrough Arial font~~.
23 **Asterisks (* * * *)** indicate the omission of unchanged Code
24 subsections or parts of tables.

25 Be it ordained by the People of the City and County of San Francisco:

1 Section 1. Article 8 of the Health Code is hereby amended by revising Sections 451
2 and 454, to read as follows:

3
4 **SEC. 451. FOOD PREPARATION AND SERVICE ESTABLISHMENT.**

5 For purposes of this Article 8, the following terms have the following meanings:

6 “**Bar or tavern**” means any Food Preparation and Service Establishment ~~that~~^{which}
7 primarily prepares and/or serves alcoholic beverages.

8 “~~**Bed and breakfast establishment**~~” ~~means a “restricted food service facility” as defined in~~
9 ~~California Health and Safety Code Section 113893, as may be amended from time to time.~~

10 “**Boardinghouse**” means any building, or portion thereof, occupied or intended,
11 arranged, or designed for occupation, by six or more but less than 35 guests, where sleeping
12 rooms and meals are provided to the guests for compensation, ~~in addition,~~ Boardinghouse
13 includes, but is not limited to, all private institutional-type homes where inspection is made by
14 the Department of Public Health.

15 “**Caterer**” means a person who is in the business of providing food, beverages, and
16 sometimes service, at social gatherings. The Caterer prepares the food at a location
17 separate from the social gathering, though the Caterer may engage in Limited food
18 preparation at the location where the Caterer serves the food. A Caterer is not a private
19 chef or chef for hire who prepares food in a private home.

20 “**Catering facility**” means any Catering operation ~~Food Preparation and Service~~
21 ~~Establishment~~ where a Caterer prepares food for service at another location and includes
22 Catering facility - Cooking and Catering facility - No Cooking.

23 ~~(1)~~ “**Catering facility - Cooking**” means a Catering facility where food is cooked for
24 service at another location.

1 (2)–“**Catering facility - No Cooking**” means a Catering facility where Limited food
2 preparation occurs, but cooking is not allowed.

3 “**Catering operation**” has the meaning set forth in California Health and Safety Code Section
4 113739.1, as may be amended from time to time.

5 “**City**” means the City and County of San Francisco.

6 “**Commissary**” ~~means any food establishment in which food, containers, equipment, or~~
7 ~~supplies are stored or handled for use in vehicles, mobile food preparation units, food carts, or vending~~
8 ~~machines~~– has the meaning set forth in California Health and Safety Code Section 113751, as may be
9 amended from time to time. Commissary includes, but is not limited to, Commissary for cooking and
10 Commissary for Mobile Food Facility servicing.

11 —(1) “**Commissary for cooking**” means a Commissary where cooking occurs.

12 —(2) “**Commissary for Mobile Food Facility servicing**” means a Commissary
13 where food is stored for a Mobile Food Facility, and where no food preparation or cooking is
14 allowed.

15 “**Community event**” has the meaning set forth in California Health and Safety Code Section
16 113755, as may be amended from time to time.

17 “**Compact Mobile Food Operation**” means a Mobile Food Facility that operates from an
18 individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other
19 nonmotorized conveyance. Compact Mobile Food Operation includes Compact Mobile Food
20 Operation – Low Risk, Compact Mobile Food Operation – Moderate Risk, and Compact Mobile Food
21 Operation – High Risk.

22 “**Compact Mobile Food Operation – Low Risk**” means a Compact Mobile Food Operation that
23 offers for sale only Prepackaged, non-Potentially hazardous food and whole uncooked produce and
24 features more than 25 square feet of food display.

1 “Compact Mobile Food Operation – Moderate Risk” means a Compact Mobile Food
2 Operation that offers unpackaged foods (non-PHF or PHF) and may engage in Limited food
3 preparation. Prepackaged Potentially hazardous foods may also be offered. This operation shall not
4 include raw meat, raw poultry, or raw fish.

5 “Compact Mobile Food Operation – High Risk” means a Compact Mobile Food Operation
6 that offers unpackaged Potentially hazardous food and engages in Limited food preparation. This
7 operation can prepare raw meat, raw poultry, or raw fish and meets the warewashing and
8 handwashing facility requirements for mobile food facilities as stated in Chapter 10 of the California
9 Health and Safety Code (commencing on Section 114294), as may be amended from time to time.

10 **“Consumer”** has the meaning set forth in California Health and Safety Code Section
11 113757, as may be amended from time to time.

12 **“Cooking school”** means a Food facility that operates as a school where students
13 prepare and consume food products.

14 **“Director”** means the “Director of Health ~~of the City~~ or the Director’s designee.
15 ~~“Inspectors” shall mean the “Inspectors of the Department of Public Health,” administered by said~~
16 ~~Director. The Director shall be responsible for the administration and enforcement of this Article 8 and~~
17 ~~the rules and regulations relating thereto. The Director shall, after a public hearing, prescribe the~~
18 ~~rules and regulations relating thereto. All Food Preparation and Service Establishments shall be~~
19 ~~operated, conducted, and maintained in accordance therewith.~~

20 **“Employee Cafeteria”** means a Ffood facility located within a business premises
21 where the business employees of the business are provided or sold food on a regular basis.
22 Food and drink are not regularly served to the public and the Ffood facility~~establishment~~ is not
23 subject to tax. The operators of the Ffood facility are either employees of the business or are
24 contracted by that business.

1 **“Food demonstrations”** means any food preparation and/or service facility operating
2 out of ~~a Temporary food facilities~~ approved by the Director ~~of Health~~ for a period of time not to
3 exceed seven consecutive days for purposes of demonstrating food preparation or equipment.

4 **“Food facility”** has the meaning set forth in California Health and Safety Code Section 113789,
5 as may be amended from time to time.

6 **“Food preparation”** has the meaning set forth in California Health and Safety Code Section
7 113791, as may be amended from time to time.

8 **“Food Preparation and Service Establishment”** means any ~~R~~estaurant, ~~M~~obile
9 ~~F~~ood ~~F~~acility, Compact Mobile Food Operation, ~~guest house, B~~oardinghouse, ~~S~~pecial events,
10 ~~S~~chool food concessions, ~~B~~ar or tavern, ~~T~~ake-out establishment, ~~fast food establishment,~~
11 ~~C~~aterer, ~~C~~atering facility – Cooking, Catering facility - No Cooking, ~~T~~emporary food facility,
12 ~~F~~ood demonstration, ~~C~~ommissary, ~~pusheart, ~~S~~stadium concession, ~~V~~ending machine,~~
13 ~~R~~estricted food service facility ~~bed and breakfast establishment, ~~E~~mployee ~~C~~afeteria, ~~P~~private~~
14 school cafeteria, ~~H~~ospital kitchen, and ~~L~~icensed ~~H~~health ~~C~~are ~~F~~acility, as those terms are
15 defined herein.

16 **“Guest house”** means any building, or portion thereof, occupied or intended,
17 arranged, or designed for occupation, by 35 or more guests where sleeping rooms and meals
18 are provided to the guests for compensation and ~~shall include~~, but is not limited to, “guest
19 house,” “residence club,” “lodge,” “dormitory,” “residence cooperative,” and any of its variants.

20 **“Hospital kitchen”** means any ~~F~~ood ~~preparation and service~~ facility operating within a
21 hospital that serves food to staff or the general public, but not to patients.

22 **“Host facility”** has the meaning set forth in California Health and Safety Code Section
23 113806.1, as may be amended from time to time.

24 **“Licensed Health Care Facility”** means a Food facility located in any ~~all~~ of the following
25 health facilities ~~with that have~~ 16 or more beds and are designated for the diagnosis, care,

1 prevention, and treatment of human illness, physical or mental, including convalescence,
2 rehabilitation, and perinatal care ~~during and after pregnancy~~, to which persons are admitted for a
3 24-hour stay or longer:

4 (1) General Acute Care Hospital as defined in California Health and Safety Code
5 Section 1250(a), as may be amended from time to time ~~or any successive statutes~~;

6 (2) Acute Psychiatric Hospital as defined in California Health and Safety Code
7 Section 1250(b), as may be amended from time to time ~~or any successive statutes~~;

8 (3) Skilled Nursing Facility as defined in California Health and Safety Code
9 Section 1250(c), as may be amended from time to time ~~or any successive statutes~~;

10 (4) Intermediate Care Facility as defined in California Health and Safety Code
11 Section 1250(d), as may be amended from time to time ~~or any successive statutes~~;

12 (5) Special Hospital as defined in California Health and Safety Code Section
13 1250(f), as may be amended from time to time ~~or any successive statutes~~;

14 (6) Intermediate Care Facility/Developmentally Disabled ~~as defined in California~~
15 Health and Safety Code Section 1250(g), as may be amended from time to time ~~or any successive~~
16 ~~statutes~~; and

17 (7) Chemical Dependency Recovery Facility as defined in California Health and
18 Safety Code Section 1250.3, as may be amended from time to time ~~or any successive statutes~~.

19 Notwithstanding the above definition, the term "Licensed Health Care Facility" does not
20 include aAny of the health facility types listed above that are operated by the State of California
21 Departments of Health Care Service ~~Mental Health~~, Developmental Services, or Corrections and
22 Rehabilitation, or any respective successor agencies ~~Youth Authority are not included in this definition.~~

23 **"Limited food preparation"** has the meaning set forth in California Health and Safety
24 Code Section 113818, as may be amended from time to time.

1 **“Limited service charitable feeding operation”** has the meaning set forth in
2 California Health and Safety Code Section 113819, as may be amended from time *to time*.

3 **“Mobile Food Facility”** means any vehicle ~~or pushcart~~ used in conjunction with a
4 commissary or other permanent ~~F~~food facility upon which food is sold or distributed at retail.
5 Mobile Food Facilities may be located on private or public property. A Mobile Food Facility
6 does not include a Transporter used to transport packaged food from a ~~F~~food facility or other
7 approved source to the Consumer. *As distinguished from a Compact Mobile Food Operation,*
8 ~~T~~here are *twofive* categories of Mobile Food Facilities for licensing and fee payment purposes
9 under Business and Tax Regulations Code Section 249.1, *Mobile Food Facility 4– Low Risk*
10 *and Mobile Food Facility 2– High Risk,* as set forth below.

11 —(1)—**“Mobile Food Facility 4– Low Risk”** means a *motorized* Mobile Food Facility
12 *(such as, but not limited to, a food truck or trailer)* where a Mobile Food Facility Vendor *offers*
13 *onlyhandles P*prepackaged *and non-potentially hazardous* foods, *including but not limited to,*
14 *pastries, bagels, donuts, popcorn, chips, candies, sodas, or bottled drinks* and does not engage in Food
15 preparation.

16 —(2)—**“Mobile Food Facility 2– High Risk”** means a *motorized* Mobile Food Facility
17 *(such as, but not limited to, a food truck or trailer)* where a Mobile Food Facility Vendor
18 *offershandles non-P*prepackaged *and potentially hazardous* foods and engages in Food preparation;
19 *including but not limited to, cold sandwiches, salads, pasta, or cold noodles.*

20 —(3)—**“Mobile Food Facility 3”** means a Mobile Food Facility where a Mobile Food Facility
21 Vendor handles *non-prepackaged and non-potentially hazardous* foods, *including but not limited to,*
22 *ehurros, salted bagels, cotton candy, lemonade, or tea.*

23 —(4)—**“Mobile Food Facility 4”** means a Mobile Food Facility where a Mobile Food Facility
24 Vendor engages in *Limited food preparation.*

1 — ~~(5) “Mobile Food Facility 5” means a Mobile Food Facility where a Mobile Food Facility~~
2 ~~Vendor engages in full food preparation or any food preparation not covered by Mobile Food Facility~~
3 ~~Categories 1-4, including but not limited to, tacos, burritos, crepes, or falafel.~~

4 **“Mobile Food Facility Vendor”** means any Person engaged in the business of
5 operating a Mobile Food Facility within the City.

6 “Mobile Support Unit” means a motorized vehicle used in conjunction with a Commissary or
7 other permanent Food facility, that travels to, and services, Mobile Food Facilities as needed to
8 replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid
9 or solid wastes.

10 **“Owner”** or **“owners”** mean those Persons, ~~partnerships, or corporations~~ who are
11 financially interested in the operation of a Food Preparation and Service Establishment.

12 **“Operator”** means any Person engaged in the dispensing of, or in assisting in the
13 preparation of, food, or a Person otherwise employed in a Food Preparation and Service
14 Establishment.

15 “Permitted Auxiliary Conveyance” means a facility containing the necessary handwashing and
16 warewashing sinks when operating a Compact Mobile Food Operation at a site-specific location.

17 “Person” has the meaning set forth in California Health and Safety Code Section 113855, as
18 may be amended from time to time.

19 **“Potentially hazardous food”** has the meaning set forth in California Health and
20 Safety Code Section 113871, as may be amended from time to time.

21 **“Prepackaged food”** has the meaning set forth in California Health and Safety Code
22 Section 113876, as may be amended from time to time.

23 **“Private school cafeteria”** means any Food ~~preparation and service~~ facility serving
24 food to faculty and/or students of a school not operated by the San Francisco Unified School
25 District.

1 **“Restaurant”** means any Food facility, including by way of example but not limitation, any
2 coffee shop, cafeteria, short-order cafe, luncheonette, cocktail lounge, sandwich stand, soda
3 fountain, public school cafeteria or eating establishment, in-plant or employee eating
4 establishment, and any other eating establishment, organization, club, including Veterans’
5 Club, fast food establishment, boardinghouse, bed and breakfast establishments, or Guest house,
6 that~~which~~ gives, sells, or offers for sale, food to the public, guests, patrons, or employees. The
7 term Restaurant includes~~as well as~~ kitchens or other food preparation areas in which food is
8 prepared on the premises for serving or consumption on or off the premises, and requires no
9 further preparation, and also includes manufacturers of perishable food products that prepare
10 food on the premises for sale directly to the public. The term “Restaurant” shall~~does~~ not
11 include Mmobile Ffood Ffacilities, cooperative arrangements made by employees who
12 purchase food or beverages for their own consumption and where no employee is assigned
13 full-time to care for or operate equipment used in such arrangement, or private homes,~~nor~~
14 shall the term “Restaurant” does not include churches, church societies, private clubs, or other
15 nonprofit associations of a religious, philanthropic, civic improvement, social, political, or
16 educational nature, which purchase food, food products, or beverages, or which receive
17 donations of food, food products, or beverages for service without charge to their members, or
18 for service or sale at a reasonable charge to their members or to the general public at
19 occasional fundraising events, for consumption on or off the premises at which the food, food
20 products, or beverages are served or sold, if the service or sale of such food, food products,
21 or beverages does not constitute a primary purpose or function of the club or association, and
22 if no employee or member is assigned full-time to care for or operate equipment used in such
23 arrangements.

24 **“Restricted food service facility”** has the meaning set forth in California Health and Safety
25 Code Section 113893, as may be amended from time to time.

1 **“School food concessions”** means any food preparation, food service, or food
2 products intended for consumption by students attending or participating in activities within a
3 school facility.

4 **“Shared kitchen complex”** means a facility that provides services and restrooms to
5 Food Preparation and Service Establishments located within the facility for the purpose of
6 cleaning, storage, refuse disposal, and wastewater disposal.

7 **“Special events”** means any organized collection of food purveyors operating
8 individually or collaboratively out of approved temporary or ~~Mmobile Ffood Ffacilities~~ at a fixed
9 location for a period of time not to exceed 25 days in a 90-day period in conjunction with a
10 single, weekly, or monthly ~~Ceommunity event-as defined in California Health and Safety Code~~
11 ~~Section 113755, as may be amended from time to time.~~

12 **“Stadium concession”** means any ~~Ffood preparation and/or service~~ facility operating
13 within the footprint of a stadium, arena, or auditorium, with a seating capacity of 25,000 or
14 more.

15 **“Take-out establishment”** means any Food ~~facility Preparation and Service~~
16 ~~Establishment~~ that primarily prepares food for consumption off premises and does not have
17 seating for guests, patrons, or employees. The term “Take-out establishment” does not include Mobile
18 Food Facilities.

19 **“Temporary food facility”** has the meaning set forth in California Health and Safety Code
20 Section 113930, as may be amended from time to time~~means any food preparation and service facility~~
21 ~~operating out of temporary facilities approved by the Director of Health at a fixed location for a period~~
22 ~~of time not to exceed 25 days in any 90-day period in conjunction with a single event or celebration.~~

23 **“Transporter”** has the meaning set forth in California Health and Safety Code Section 113932,
24 as may be amended from time to time.

1 “**Vending machine**” means any self-service device, which upon insertion of money,
2 credit card, bank card, mobile payment, or tokens, dispenses Potentially hazardous food or
3 beverages without the necessity of replenishing the device between each vending operation.
4

5 **SEC. 454. REGULATIONS.**

6 The Director shall be responsible for the administration and enforcement of this Article 8 and
7 the rules and regulations relating thereto. The Director may prescribe the rules and regulations
8 relating thereto. All Food Preparation and Service Establishments shall be operated, conducted, and
9 maintained in accordance with said rules and regulations. The rules and regulations to be issued
10 by ~~said~~the Director, shall, among other matters, provide for the following:

- 11 (a) Suitable ducts in said kitchens and elimination of obnoxious and disagreeable
12 odors from said public eating places;
- 13 (b) Suitable hoods for ranges;
- 14 (c) Proper ventilation for kitchens and dining rooms;
- 15 (d) Basements and storerooms to be dry, clean, and sanitary;
- 16 (e) Regulation of refrigeration and storage of foodstuffs;
- 17 (f) Installation and maintenance of proper sanitary plumbing;
- 18 (g) Handling, storage, and dispensing of milk;
- 19 (h) Receptacles for soiled linen, use of clean linens, and laundering thereof;
- 20 (i) Methods and manner of dishwashing;
- 21 (j) Collection and disposition of garbage and proper receptacles and containers
22 therefor;
- 23 (k) Adequate toilet facilities and the location of water closets, dressing rooms,
24 lockers, and wash basins;
- 25 (l) Cleanliness of the premises, utensils, and towels.

1
2 Section 2. Article 2 of the Business and Tax Regulations Code is hereby amended by
3 revising Sections 249.1 and 249.23, to read as follows:
4

5 **SEC. 249.1. FOOD PREPARATION AND SERVICE ESTABLISHMENTS.**

6 Every person, firm, or corporation engaged in the business of operating food
7 preparation and service establishments, as defined in Section 451 of the Health Code, that
8 requires permits from the Department of Public Health shall pay an annual license fee to the
9 Tax Collector as follows:

10 (a)

Class	Fee
Class A. Food preparation and service establishments with a total square footage of:	
Less than 1,000 square feet	\$879
1,000 square feet to 2,000 square feet:	\$1,158
Greater than 2,000 square feet	\$1,326
Class B. Bar or tavern	
Without food preparation	\$750
With food preparation	\$950
Class C. Take-out establishment	\$1,051
Class D. <i>(Reserved) Fast food establishment</i>	\$1,189
Class E. Catering facility	

1	Catering facility – No Cooking	\$618
2	Catering facility – Cooking	\$1,054
3	Class F. Temporary <u>food</u> facility	\$176
4	Class G. Commissary	\$998
5	Commissary for Mobile Food Facility servicing	\$618
6	Commissary for cooking	\$1,027
7	Cooking school	\$618
8	Limited service charitable feeding operation	\$0
9	Host facility	\$824
10	Shared Kitchen Complex, less than 2,000 square feet	\$824
11	Shared Kitchen Complex, 2,000 square feet or more	\$1,030
12	Class H. Mobile Food Facilities	
13	Class H-1. Mobile Food Facility 1– <u>Low Risk</u>	\$195893 <u>778</u>
14	Class H-2. Mobile Food Facility 2– <u>High Risk</u>	\$292893 <u>778</u>
15	Class H-3. Mobile <u>Support Unit-Food Facility 3</u>	\$195 <u>781</u>
16	Class H-4. Mobile Food Facility 4	\$778
17	Class H-5. Mobile Food Facility 5	\$778
18	Class I. Stadium concession	\$710
19	Class J. Food Vending machines	\$227 per machine
20		
21		
22		
23		
24		
25		

1	Class K. <i>Restricted food service facility Bed and</i>	\$1,126
2	<i>breakfast establishment</i>	
3	Class L. Boarding house	\$283
4	Class M. Private school cafeteria	
5	Without food preparation	\$342
6	With food preparation	\$527
7		
8	Class N. Hospital kitchen, with food service to the	\$1,060
9	general public and staff only	
10	Class O. Licensed Health Care Facility	\$1,169
11	Class P. Caterer	\$376
12	Class Q. Employee Cafeteria	
13	With only Limited food preparation	\$669
14	With food preparation	\$1,029
15		
16	<i>Class R. Compact Mobile Food Operation</i>	
17	<i>Class R-1. Compact Mobile Food Operation – Low Risk</i>	<u>\$188</u>
18	<i>Class R-2. Compact Mobile Food Operation –</i>	
19	<i>Moderate Risk</i>	<u>\$377</u>
20		
21	<i>Class R-3. Compact Mobile Food Operation – High</i>	
22	<i>Risk</i>	<u>\$502</u>
23	<i>Class R-4. Permitted Auxiliary Conveyance</i>	<u>\$188</u>

24 The license fees set forth above shall be paid annually on or before March 31, in
25 accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.

1 Notwithstanding the chart above, for license periods beginning on or after April 1, 2026, the
2 annual license fee for the following licenses shall be \$0:

3 —(1) Class A: Food preparation and service establishments with a total square
4 footage less than 1,000 square feet.

5 —(2) Class A: Food preparation and service establishments with a total square
6 footage 1,000 square feet to 2,000 square feet.

7 —(3) Class A: Food preparation and service establishments with a total square
8 footage greater than 2,000 square feet.

9 —(4) Class B: Bar or tavern without food preparation.

10 —(5) Class B: Bar or tavern with food preparation.

11 —(6) Class C: Take-out establishment.

12 —(7) ~~Class D: Fast food establishment.~~

13 —(8) Class E: Catering facility – No Cooking.

14 (9) Class E: Catering facility – Cooking.

15 —(10) Class H: Mobile Food Facility 1 Low Risk.

16 —(11) Class H: Mobile Food Facility 2 High Risk.

17 —(12) Class H: Mobile Support Unit-Food Facility 3.

18 —(13) ~~Class H: Mobile Food Facility 4.~~

19 —(14) ~~Class H: Mobile Food Facility 5.~~

20 —(15) Class P: Caterer.

21 Class R-1: Compact Mobile Food Operation – Low Risk.

22 Class R-2: Compact Mobile Food Operation – Moderate Risk.

23 Class R-3: Compact Mobile Food Operation – High Risk.

24 Class R-4: Permitted Auxiliary Conveyance.

1 (b) **Exemptions.** The following establishments are exempt from paying the fees
2 required by this Section 249.1:

3 (1) Food preparation and service establishments used exclusively by day care
4 facilities.

5 For the purpose of this subsection (b)(1), a “day care facility for children” shall
6 mean a “community care facility” licensed pursuant to the provisions of Chapter 3, Division 2
7 of the California Health and Safety Code (commencing at Section 1500), which provides
8 nonmedical care to children in need of personal services, supervision, or assistance essential
9 for sustaining the activities of daily living or for the protection of the individual on less than a
10 24-hour basis, or a “family day care home for children” licensed pursuant to the provisions of
11 Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section
12 1597.50).

13 (2) Food preparation and service establishments funded through the Disability and
14 Aging Services Commission for nutrition projects for older individuals.

15 (3) Food preparation and service establishments owned and operated by a non-
16 profit organization for the purpose of charitable feeding.

17 (c) Beginning with fiscal year 2010-2011 and annually thereafter, the fees set forth
18 in this ~~s~~Section 249.1 may be adjusted each year, without further action by the Board of
19 Supervisors, as set forth in this subsection (c). Not later than April 1, the Director shall report
20 to the Controller the revenues generated by the fees for the prior fiscal year and the prior
21 fiscal year's costs of operation, as well as any other information that the Controller determines
22 appropriate to the performance of the duties set forth in this Article 2. Not later than May 15,
23 the Controller shall determine whether the current fees have produced or are projected to
24 produce revenues sufficient to support the costs of providing the services for which the fee is
25 assessed and that the fees will not produce revenue that is significantly more than the costs of

1 providing the services for which the fee is assessed. The Controller shall, if necessary, adjust
2 the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the
3 program recovers the costs of operation without producing revenue that is significantly more
4 than such costs. The adjusted rates shall become operative on July 1.

5 (d) All permit fees and license fees required under the Municipal Code for the
6 operation of a Compact Mobile Food Operation (“CMFO”) shall be waived by the department
7 otherwise authorized to impose such fees. For purposes of this subsection (d), “Permit fees”
8 means all permit, application, or other fees payable to the City upon application for, or
9 issuance of, any permit relating to the operation of a CMFO, and “license fees” means fees
10 payable to the City relating to the operation of a CMFO, including but not limited to fees
11 imposed under Section 249.23(b) of the Health Code. Notwithstanding the foregoing
12 sentence, the waiver in this subsection (d) does not apply to the Business Registration Fee
13 imposed under Article 12 of the Business and Tax Regulations Code.

14
15 **SEC. 249.23. MOBILE FOOD FACILITY AND COMPACT MOBILE FOOD**
16 **OPERATION PLAN CHECK FEES.**

17 (a) Each person filing an application for an initial Mobile Food Facility permit under
18 Public Works Code Section 184.83 also shall pay the Department of Public Health
19 (“Department”) a plan check fee of ~~\$184~~ \$251 per hour. This fee is due and payable to the
20 ~~Health~~-Department at the time the applicant requests said plan check from the ~~Health~~
21 Department. The fee amount shall be based on the ~~Health~~-Department’s estimate of the time
22 required to check the applicant’s plans. The ~~Health~~-Department may refund a portion of the
23 fee payment or require additional payment if actual plan check time differs from the initial
24 estimate. The ~~Health~~-Department may withhold plan check approval until payment of the plan
25 check fees is received. ~~and the Department of Public Works’ Mobile Food Facility permit shall not be~~

1 ~~final and effective until the Health Department issues plan check approval.~~ The Controller may
2 adjust this fee annually as set forth in Section 249.1(c).

3 (b) Each person filing an application for an Auxiliary Conveyance, an initial Compact Mobile
4 Food Operation, or a Mobile Support Unit permit under Health Code Section 452 shall pay the
5 Department a plan check fee as follows:

6 <u>Auxiliary Conveyance</u>	<u>\$188</u>
7 <u>Compact Mobile Food Operation – Low Risk</u>	<u>\$188</u>
8 <u>Compact Mobile Food Operation – Moderate Risk</u>	<u>\$377</u>
9 <u>Compact Mobile Food Operation – High Risk</u>	<u>\$502</u>
10 <u>Mobile Support Unit</u>	<u>\$502</u>

11
12 Except where the Municipal Code provides for a waiver, this fee is due and payable to
13 the Department at the time the applicant requests said plan check from the Department. The
14 Department may withhold plan check approval until payment of the plan check fees is received. The
15 Controller may adjust this fee annually as set forth in Section 249.1(c).

16
17 Section 3. The Public Works Code is hereby amended by revising Section 184.80 of
18 Article 5.8 and Sections 5.9-2 and 5.9-8 of Article 5.9, to read as follows:

19
20 **SEC. 184.80. DEFINITIONS.**

21 For the purpose of this Article the following words and phrases mean and include:

22 * * * *

23
24 **Mobile Food Facility.** Any vehicle ~~or pushcart~~ used in conjunction with a commissary
25 or other permanent food facility upon which food is sold or distributed at retail. Mobile Food

1 Facility does not include a “Transporter” used to transport packaged food from a food facility
2 or other approved source to the consumer or a “compact mobile food operation” as defined in
3 California Health and Safety Code Section 113831(c), as it may be amended from time to time. A
4 Mobile Food Facility does not include any use that sells goods, wares, or merchandise other
5 than food or drink intended for human consumption, or a Vendor eligible for or holding a valid
6 permit pursuant to Article 5.9, ~~who sells pre-packaged food, foodstuffs, confectionary, condiment, or~~
7 ~~beverage for human consumption that is being resold in its original packaging.~~ For purposes of this
8 Article, ~~a pushcart or~~ a mobile caterer ~~is~~ are both referred to as a Mobile Food Facility unless
9 specifically stated otherwise.

10 * * * *

11
12 **SEC. 5.9-2. DEFINITIONS.**

13 For the purpose of this Article 5.9, the following words and phrases have the following
14 meanings:

15 * * * *

16 **Food.** Any raw, cooked, or processed edible substance, ice, beverage, or any ingredient used
17 or intended for use or sale in whole or in part for human consumption, or chewing gum. ~~pre-packaged~~
18 ~~food, foodstuffs, confectionary, condiment, or beverage for human consumption that a Vendor is~~
19 ~~reselling in its original packaging.~~

20 * * * *

21
22 **SEC. 5.9-8. DELEGATION OF AUTHORITY FOR RULEMAKING.**

23 (a) **Rules and Regulations Authorized.** The Department, in consultation with the
24 Department of Public Health, Fire Department, Office of Economic and Workforce Development,
25 and ~~the~~ Human Rights Commission, may adopt Rules and Regulations related to the

1 administration and enforcement of this Article 5.9, in order to further the purposes of this
2 Article 5.9, and to promote public health, safety, or welfare. The Rules and Regulations may
3 include but are not necessarily limited to:

4 * * * *

5 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
6 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
7 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
8 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
9 additions, and Board amendment deletions in accordance with the “Note” that appears under
10 the official title of the ordinance.

11 Section 5. This ordinance, as introduced on September 30, 2025, proposed to amend
12 the Business and Tax Regulations Code by eliminating a permit fee for a catering facility and
13 rescinding Section 249.21, which established a Food Facility Charge. But those changes to
14 the Business and Tax Regulations Code had already been effectuated through the enactment
15 of Ordinance No. 279-24, which was approved on January 18, 2025, and Ordinance No. 140-
16 25, which was approved August 31, 2025. Therefore, the inclusion of those proposed
17 amendments was in error. The committee amendments introduced on February 4, 2026 omit
18 those proposed changes from the ordinance.

