

# Compact Mobile Food Operation (CMFO) Frequently Asked Questions



## Introduction

Effective January 1, 2023, the California Health and Safety Code was amended to promote economic inclusion while modernizing the California Retail Food Code (CRFC) so that sidewalk food vendors can obtain a permit and join the regulated vending economy. Sidewalk food vendors will now be classified as a Compact Mobile Food Operation (CMFO). Below are some frequently asked questions for operating a CMFO.

## Permitting Questions

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

A CMFO is a mobile food facility in which an individual operates from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized unenclosed conveyance that can be approved to sell prepackaged food or unpackaged food with limited food preparation.

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. The label also includes the common name of the item, a list of ingredients in order from largest quantity to least, quantity such as weight, and name and address of the place of business of the manufacturer.

### 2. When does the new law start?

It went into effect on January 1, 2023, with the first year focused on education and outreach. However, permits are required to operate, and administrative fines may be issued for operating without a permit.

### 3. Do I need a Health Permit from Environmental Health?

Maybe. You do not need a health permit if you sell **only** prepackaged, non-potentially hazardous (non-perishable) foods or whole uncooked fruits and vegetables, and your CMFO is within a space that is 25 square feet or less. For all other CMFOs, a health permit is required.

### 4. How do I measure 25 square feet of prepackaged non-potentially hazardous food (non-PHF) display to be exempt from permitting?

This display area is measured by the square footage of the floor space of the display area. For example, a CMFO with a shelving unit that occupies floor space of 5 feet x 5 feet, or 6 feet x 4 feet would not require a permit even if it had four shelves. However, a CMFO without shelving that has a display area that is 10 feet x 10 feet would require a permit.



To be exempt from permitting, the total amount of floorspace for display and non-displayed food inventory is 25 square feet or less.

## 5. What types of food sale are allowed without a permit?

Prepackaged, non-potentially hazardous foods and whole, uncooked fruits and vegetables limited to a space that is 25 square feet or less, do not require a permit from Los Angeles County, Department of Public Health. Please check with your local jurisdiction if additional permits or licenses are required.

**Prepackaged** means the food are served directly to the customer in its unopened, original container or packaging, that is prepared and properly labeled from a manufacturer, a commissary, or other food facility.

**Non-potentially hazardous** means food that does not require refrigeration to prevent bacterial growth. Therefore, dairy, meat, poultry, fish, cut melon, and cooked foods are not allowed without a health permit.

## 6. Where can I get a permit to operate a Compact Mobile Food Operation?

Please see **Permit Application Documents** on our [Sidewalk Food Vending](#) webpage.

## 7. Once my food cart has been manufactured and approved, do I need a separate permit to operate my food cart?

Yes, a Public Health Permit must be obtained to operate the food cart. Please also check with your local jurisdiction for additional permitting requirement.

## 8. Will I be inspected in the field? If so, how many inspections can I expect per year?

Yes, all permitted food carts will be inspected. The number of inspections will depend on the type of food sold at the food cart.

**Low risk carts** will be inspected once every two years. **Moderate risk carts** will be inspected once a year. **High risk carts** are inspected twice a year. Additional inspections may be warranted due to complaints.

## 9. What type of food training do I need?

CMFO operators and employees must hold a food handler card. A food handler card must be obtained within 30 days of the start of the operation or hire. A listing of Accredited Organizations can be found at the American National Standards Institute (ANSI) website at: [www.ansi.org](http://www.ansi.org).

## 10. Do I need any other permits?

You may need a local business license, sidewalk vending permit or peddlers permit to sell food. Check with the city you plan to operate your business in for more information. For County unincorporated

communities, check with the Los Angeles County Treasurer and Tax Collector regarding a business license and in the Los Angeles County Department of Economic Opportunity for a sidewalk vending permit.

### **11. What happens if I operate without a health permit?**

First, a notice of violation will be issued. Continuing to operate without a permit will result in administrative fines. After January 1, 2024, the enforcement agency can charge up to three times the cost of the permit fee as an administrative fine for operating without a health permit. In addition, any prepared foods may be condemned due to being prepared or held in insanitary, unsafe conditions.

### **12. Does the new law only apply to vendor sales on public property?**

The California Health and Safety Code applies across California and does not only apply to public property. Vendors who sell food to the public or give food away to the public, are considered a food facility. This means the vendor shall comply with the California Health and Safety Code. Exemptions apply to the permit requirement for the selling or offering of prepackaged, non-potentially hazardous food in a space that is 25 square feet or less.

Cottage Food Operations are currently the only businesses approved to prepare and sell food from a private home. Any other activity will be considered unpermitted under State and local law. However, ordinances are currently under development to allow Microenterprise Home Kitchen Operations but these are currently not approved.

### **13. Who inspects and approves the carts?**

The Mobile Food Program and Plan Check Program within the Environmental Health Division work together to get mobile cart plans checked, reviewed, and operationally inspected in the field. If you operate in the City of Long Beach, the City of Pasadena, or the City of Vernon, you will need to contact those cities as they have their own health department.

### **14. Where are the carts inspected?**

The cart will initially be inspected during the approval process, either at the commissary or at one of our Environmental Health offices. Once a permit has been issued, routine inspections will happen during regular operations. Mobile Food Facilities, such as CMFOs, are required to submit route information. Route information provides details on where you will be operating so that the inspectors can conduct on-site inspections.

### **15. How do these rules align with pop-up markets, farmers' markets, and food markets set up on the street?**

In California, various types of non-permanent food facilities fall under different sections of the California Health and Safety Code. Certified farmers' markets and temporary food booths at community events are categorized as Temporary Food Facilities. These facilities have distinct regulations outlined in a separate chapter of the Code. They can only operate in conjunction with a community event or certified farmers' markets. Another type of non-permanent food facility is Mobile Food Facilities, which includes Compact

Mobile Food Operations. These facilities can participate in community events or certified farmers' markets and must adhere to specific requirements detailed in their California Health and Safety Code.

**16. Can a restaurant prepare food on-site and be allowed to obtain a permit to sell as a sidewalk food vendor?**

Yes, the restaurant operator must obtain a CMFO permit and meet additional local city requirements regarding sidewalk vending.

**17. How do you treat street food vendors who set up on the street without a cart?**

An operator is asked to provide their Public Health Permit. Environmental Health (EH) will inspect to verify that the food for sale comes from an approved source, equipment and premises are sanitary, and verify that the operator is conducting business within the scope of a Public Health Permit.

If the operator is exempt from a permit if selling **only** prepackaged non-potentially hazardous foods in a space that is 25 square feet or less, EH may only issue food safety recommendations and respond to food safety complaints.

If the operator is required to have a Public Health Permit and does not have one, EH will provide educational materials on how to apply for the permit and explain that fines may apply if the operator fails to comply. All foods from an unapproved source are condemned, an Official Inspection Report (OIR) is issued directing the vendor to discontinue the unlawful operation.

**18. Will your agency work with the Streets LA sidewalk program so everyone is on the same page? The city sometimes has no idea what Public Health allows, resulting in confusion for vendors.**

Yes, we are collaborating with the City of Los Angeles. However, cities can adopt ordinances with additional requirements and regulations for street vending under their city council approval.

**19. Can anyone other than the permit holder work or operate the CMFO?**

Like other food facilities, a CMFO may have food employees operating as part of the food facility. All food employees are required to obtain a food handler card.

**20. Who handles enforcement? Will the County confiscate carts for repeat violators?**

Currently, we are not confiscating equipment. Other cities may confiscate carts if left abandoned. Enforcement authority depends on which law is being violated. The Environmental Health Division (EH) is the enforcement agency within Los Angeles County for the California Health and Safety Code violations. Food produced in an unapproved manner will be disposed by EH. Depending on where you are operating, another county department or city may issue citations for specific violations unrelated to food sales, such as operating without a vendor license, obstructing sidewalks, or excessive noise. Note that the cities of Pasadena, Commerce, and Long Beach have their own Environmental Health Departments.

**21. Are there any restrictions on where CMFOs can operate? For example, are they currently allowed to work at County beaches, like Marina del Rey?**

The Environmental Health Division is responsible for approving the Compact Mobile Food Operation per the California Health and Safety Code. You must check with your local authority for restrictions or additional requirements pertaining to where you may operate. For operating in the unincorporated areas of the county, contact the Department of Economic Opportunity, who is responsible for enforcing the County's new Street Vending Ordinance, which address time and place of food sales.

**22. What county or State code will be cited if a CMFO operated without a Public Health Permit?**

Section 114387 of the California Health and Safety Code will be cited. This section clearly states that any food facility in the State must obtain a Public Health Permit before beginning operations; other penalties may be associated in this section. Additional code sections may be cited if other violations are found during the investigation.

**Plan Check Questions**

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

Yes, you may design your own cart, however, it must comply with the requirements in the California Health and Safety Code. Cart plans must be submitted to the Plan Check Program for approval. All units will need a final inspection from Plan Check, even if it is a design that has been previously approved by this program.

**24. After the first inspection of the cart, if modifications are needed, is there an additional fee for each evaluation?**

Each plan check review fee for a new custom-built cart includes up to two plan reviews and one cart evaluation inspection. Additional evaluation fees will apply if the approval process requires more than one evaluation inspection for final approval. You may refer to the [fee schedule](https://bit.ly/EH-FeeSchedule) for the list of fees. (<https://bit.ly/EH-FeeSchedule>)

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

No; you must use commercial equipment that has been certified and approved by an American National Standards Institute (ANSI) accredited certification program, such as National Sanitation Foundation (NSF) or Underwriters Laboratory for Sanitation. Electrical appliances must meet applicable Underwriters Laboratories standards for electrical equipment as determined by an ANSI accredited certification program.

**26. Do I need an integral three-compartment dish sink?**

Yes, but only if you prepare raw meat, raw poultry, or raw fish on the cart. If not, an adequate amount of clean and sanitized utensils must be kept on the cart for replacing utensils when soiled or every 4 hours if handling open (unpackaged) food.

## 27. Do I need mechanical refrigeration?

Mechanical refrigeration is required if you are handling potentially hazardous foods that needs temperature control to prevent bacterial growth, 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.

## 28. Where can I buy an approved cart?

Visit our [Food Trucks](#) webpage or refer to manufacturers from our [courtesy Mobile Food Facility Manufacturers list](#) (<http://publichealth.lacounty.gov/eh/docs/business/mobile-food-facility-manufacturers.pdf>).

## 29. Is there a list of “standard carts” available?

Please call the manufacturers on our [courtesy list](#) to inquire.

## 30. I am a manufacturer and want to submit plans to make model carts for mass production. What is the plan submittal process to approve these model plans with the new law?

Under the new law, you may submit a standard plan for a model food cart through the normal process. The standard plan submission packet would include the following:

- Complete Plan Check application.
- Provide easily readable plans that are drawn to scale.
- Pay Plan Check fee.
- Submit your proposed menu.
- Submit manufacturer equipment specification sheets.

Once the standard plan is approved, you may construct the prototype cart within one year. You will need to make an appointment for final inspection of the cart after the cart is built.

Once the prototype cart is approved, each additional cart built from the standard plan will only need a site (cart) evaluation and attestation from the manufacturer that the cart was built from the approved plans.

## 31. If the same cart is manufactured to satisfy different menus, is a plan required for each menu?

An evaluation of the cart will need to be conducted and the Written Operational Procedures will have to be reviewed to ensure that the cart can support each proposed menu and operating plan. If any additional equipment is required to support a different menu, a new plan approval is required and additional fees will apply.

## 32. What kind of signage must be on the Compact Mobile Food Operation?

The CMFO shall have the business name in a location that is clearly visible to the customer. The letters of the business name shall be at least 3 inches. 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 is different from the background.

**33. 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 operation in a space that is 25 square feet or less selling whole uncooked produce or prepackaged nonperishable food is exempt from signage requirements.

**34. What information should be part of a cart manufacturer attestation letter?**

You can find a [template of the attestation letter](http://publichealth.lacounty.gov/eh/docs/permit/standard-plan-attestation-letter.pdf) on our website. (<http://publichealth.lacounty.gov/eh/docs/permit/standard-plan-attestation-letter.pdf>)

**35. Before issuing the attestation letter, does the manufacturer need to take any steps with Public Health?**

The manufacturer must provide proof that carts were built under Public Health approved plans.

**36. What is the status of approved standard cart designs, and what foods can we sell from these carts?**

Standard carts are approved with specific menus/food types. Please refer to our [courtesy manufacturer list](#) and contact them to inquire their standard carts and foods allowed for those carts.

**37. What are the requirements for ware washing sink sizes on moderate and high-risk carts?**

The required dimensions are available in the [California Health and Safety Code section 114313](#). For a CMFO that conducts limited food preparation, that does not include raw meat, poultry or fish, a ware washing sink is not required, if the CMFO has capacity to store clean replacement utensils and soiled utensils separately on the cart.

**38. What do you mean by spare utensils?**

You must have enough utensils to change out at least every 4 hours or when they become contaminated/dirty. If you do not plan to have spare utensils, then a 3-compartment warewashing sink is required.

**39. What are the fees associated with CMFO? (Application fees, plan check, etc.)**

For current CMFO-related fees for permitting and plan check, please refer to our [Public Health Fee Schedule](https://bit.ly/EH-FeeSchedule). (<https://bit.ly/EH-FeeSchedule>)

## Food Operations

### 40. What kind of food can I prepare from a CMFO?

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

- If the cart does not have a sink, it is limited to prepackaged food items and raw, whole produce.
- If it has a hand washing sink, it 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 it may prepare food following [limited food preparation requirements](#), including raw meats, raw poultry, and raw fish.

### 41. What is limited food preparation?

Limited food preparation is food preparation that is restricted to the following, based on the proposed menu and your 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. The juice or beverage cannot 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.

### 42. What is non-potentially hazardous food?

Food that does not require refrigeration or hot holding to prevent bacterial growth and is unlikely to cause food borne illness. Some examples include cut mango, cut cucumbers, cut jicama, pretzels, churros.

### 43. Do I need overhead protection?

Yes, this can include sneezeguards, umbrellas, food compartments, etc.

### 44. Can I sell tamales that were prepared in an approved commissary of the cart?

Yes. If you have a cart with a hand washing sink, you may be approved to sell tamales without the husk from the permitted cart. If the cart does not have a handwashing sink, the tamales must be prepackaged and properly labeled prior to sale on the cart.



#### **45. Can I prepare food at home?**

Currently, the only food that can be prepared at a private home is food that has been produced by a [Class B Cottage Food Operator](#), and only those approved food can be sold from the cart.

#### **46. 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. All potentially hazardous food prepared or served from a food cart must be discarded at the end of each day.

#### **47. 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 Permit can be found using the links provided below:

- [Cottage Food Operations](#) (Source: CDPH)
- [Approved Cottage Food](#) (Source: CDPH)

#### **48. How can I get a CFO-Class B Permit?**

Please start your CFO-Class B application from our [Class B Cottage Food Operator](#) webpage.

#### **49. Can I sell food products and non-food products from the same cart?**

SB-972 allows the selling of non-food related products when food handling and storage is available to prevent food contamination.

#### **50. What category do street food vendors who sell ice cream fall under, and where can we find resources for commissaries?**

Ice cream carts selling prepackaged ice cream or frozen fruit bars are low-risk CMFOs.

If scooping is involved, as with any open food product, they become a moderate-risk CMFO. Soft serve ice cream dispensers and preparation of ice cream from scratch are excluded from limited food preparation and are not permitted on a CMFO.

#### **51. Which type of CMFO food cart is considered a low-risk CMFO?**

Operations displaying more than 25 square feet of prepackaged non-perishable food, ice cream carts selling prepackaged ice cream bars, or frozen fruit bars with no scooping are all low-risk CMFOs. Low-risk CMFOs can sell from a table, stand, rack, or display. Their operational requirements are the same: they need overhead protection, to obtain food products from an approved source, store all food properly before, during, and after all the operation, and they need access to a commissary.

**52. What permit is required for carts that sell both whole fruits and cut fruits that's either cut and packaged at a commissary or cut to order on the cart?**

If you display whole fruits for sale in an area of 25 square feet or less, you do not need a Public Health Permit. However, if your display area exceeds 25 square feet, you will be considered a **low-risk CMFO**. It's important to note that selling cut fruit, whether cut on-site or at a commissary and packaged, will classify you as a **moderate-risk CMFO**. Also, please be aware that only on-site cutting requires a hand-washing sink. Cutting and packaging at the commissary does not require a hand-washing sink on the cart.

**53. Are vertical roasters, known as “Trompos”, for cooking raw meats allowed on CMFOs?**

Yes, we will consider them a high-risk CMFO. They would need a 3-compartment sink, hand washing sink, and ventilation. You will need to go through our plan check process.

**54. Could you please clarify what the term “open food” is?**

Open food refers to food that is not in its original, unopened package. It is important to note that whole raw produce is not considered open food.

**55. Can you explain what whole raw produce is?**

Whole raw produce are fruits and vegetables that have not been cooked, processed, or peeled/cut, and are in their natural form.

**56. Would it be possible to cook taco meat at a commissary and then hold in a hot holding container on a cart?**

It is possible to cook the taco meat at the commissary and then transfer it to the cart to keep it hot. However, you are required to use approved equipment that is part of the cart. This ensures that the meat stays at the right temperature and is safe to eat. Note that the commissary must be equipped with an approved food preparation room or an approved kitchen.

Additionally, if you do not handle raw meats on the cart, you may have spare utensils or an auxiliary unit instead of a utensil washing sink.

**57. Can you give a few examples of foods that could be sold on a limited food preparation cart?**

Some options for a cart with limited food preparation are hot dogs, churros, tamales, and cut fruit.

**58. Can grill carts with hand sinks and other required equipment vend on the sidewalk?**

Environmental Health handles the approval of the cart, but the operator must inquire with the local city and follow local city sidewalk vending ordinances.

### **59. Can I use a BBQ pit for open-flame cooking in conjunction with a CMFO?**

Not during normal operation. A CMFO may only be approved to operate a barbecue pit or other cooking equipment not part of the cart if it is operating at a permitted community event.

## **Commissary Requirements**

### **60. What is a commissary?**

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

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

### **61. Do I need a commissary?**

You do not need a commissary if you are operating a CMFO in a space that is 25 square feet or less and selling only prepackaged non-potentially hazardous food or whole produce.

You will need a commissary or alternate commissary if you are selling food that is potentially hazardous requiring to be hot or cold held, not prepackaged and/or selling in a space that is more than 25 square feet.

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

If you are not exempt from a Health Permit, you will need to store your cart at an approved location. These approved locations include:

- A commissary.
- A private home upon endorsement from the Environmental Health Division can store up to two carts and non-potentially hazardous, prepackaged food; however, the carts will need to be serviced at an approved commissary.
- Permanent permitted food facilities may serve as a commissary for carts that sell prepared food and maybe used to store the cart, if approved.

### **63. 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 at the commissary.

**64. Can I package a non-potentially hazardous food items at a permitted commissary and sell them prepackaged from a cart without a permit?**

No; you are required to have a Public Health Permit if you are packaging food.

**65. Can I use my home to store my cart?**

You may be allowed to store up to two carts in your home through a Home Storage Endorsement process by the Environmental Health Division. You may also store prepackaged, non-potentially hazardous foods and whole produce in your home for sale on the cart. In addition to the home storage endorsement, a separate commissary is required for a cart that sells and/or prepares any foods to perform cleaning and maintenance to the cart, as well as preparing food and storage of potentially hazardous foods.

**66. What is a Home Storage Endorsement?**

A Home Storage Endorsement allows up to two CMFO carts be stored at the private home, if it is determined that the home has sufficient room to store carts in a manner that protects the carts from contamination and will not pose a public health hazard. This requires an evaluation of the proposed storage location but does not require a registration or a permit. The endorsement is documented and recorded by the Environmental Health Division.

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

No, but you should check with your landlord to confirm storing carts is allowed.

**68. Can a food truck be an approved kitchen or food preparation space for a cart?**

No. Food trucks are not able to support other mobile food facilities; they require having a commissary to operate.

**69. Most commissaries are at their total capacity, especially in the San Fernando Valley. Are you approving any new commissaries?**

We recognize that commissaries continue to be an issue. This is why the SB 972 amendments of the California Health and Safety Code allow us to approve other commissary options. We also hope more operators understand that opening a commissary is a great opportunity to support mobile food vendors.

**70. Is there any regulation of commissary costs?**

Since they are public businesses, we do not have the authority to regulate how much they charge.

**71. Where can we find resources for commissaries?**

We have a courtesy commissary list on our website.

- Food Truck Commissary List (<http://publichealth.lacounty.gov/eh/docs/business/food-truck-commissary.pdf>)

- Ice Cream Commissary List (<http://publichealth.lacounty.gov/eh/docs/business/ice-cream-commissary.pdf>)
- Food Service Cart Commissary List (<http://publichealth.lacounty.gov/eh/docs/business/food-service-cart-commissary.pdf>)

**72. Would the county investigate if a home is being used to store more than two carts?**

Yes. To report a problem with a pertaining to a CMFO cart, call Public Health's Mobile Food Program at (626) 430-5500 or send email to [ehvip@ph.lacounty.gov](mailto:ehvip@ph.lacounty.gov).

**Operational Requirements**

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

Yes, if you are operating alone and if the cart is stopped in one location for longer than one hour, restrooms must be located within 200 feet of the cart unless at least two employees are present onsite.

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

No.

**75. Do I need a handwash sink on my cart?**

A handwash sink is required if you will be handling open (unpackaged) food on the cart. A handwash sink is not required if you are selling ONLY prepackaged, non-potentially hazardous foods.

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

Hot water for handwash sinks is not required.

**77. How long can you vend? Is there a restriction on the number of hours of service?**

You are limited to vending for one hour at a location, unless:

- An approved restroom with handwashing facilities is available within 200 feet.
- The CMFO operates with multiple employees or operators, and the CMFO can remain operable by a single individual so that employees or operators may alternate use of a restroom that is more than 200 feet away.

In addition, the County or the city where you are vending may have restrictions on time and place of vending. Please check with the Department of Economic Opportunity for time and place restrictions for the unincorporated area and with the city where you plan to vend.

