



SOLANO COUNTY

Land Use and Transportation Committee

**Meeting of November 19, 2024 at 1:30 p.m.
675 Texas Street, Fairfield – Board of Supervisors Chambers, 1st Floor**

You may attend and submit **Public Comments** verbally at the meeting.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please call the Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

To remotely LISTEN to the meeting (call-in public comments will not be allowed), you may do so by dialing **1-323-457-3408** and entering Access Code **926 883 327#**. Once entered in the meeting, you will be able to hear the meeting but will not be allowed to provide public comment.

– A G E N D A –

Revised as of 11/15/2024

- 1. Public Comment:** *This is the opportunity for members of the public to address the committee on matters not listed on the agenda.*
- 2. Discussion items:**
 - A. 2280 Rockville Road septic system
 - B. County Battery Energy Storage Systems Update
 - C. Hemp Ordinance amendment direction
 - D. Road Maintenance Agreement update
 - E. Agricultural Mitigation Ordinance
 - F. Illegal Food Vendors
- 3. Committee Member Comments**
- 4. Adjournment**

DEPARTMENT OF RESOURCE MANAGEMENT

JAMES BEZEK
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Planning Services Division

MEMORANDUM – REVISED

DATE: November 15, 2024

TO: Land Use and Transportation Committee

FROM: James Bezek, Director of Resource Management

SUBJECT: **November 19, 2024 Land Use and Transportation Committee (LUTC)**
Meeting Background Information

1. Agenda item 2.A: 2280 Rockville Road Septic System

The septic system at 2280 Rockville Road is failing, and the property owner has contacted the county and Fairfield Suisun Sewer District (FSSD) to request approval to connect to city sewer service. The property was originally included in the agreement between the County, FSSD, and LAFCO but was removed in the 2004 First Amendment to that Agreement. Therefore, an amendment to the Out-of Area Service Agreement would be required by the county. Staff is seeking direction on how to proceed with this property owner.

2. Agenda item 2.B: BESS Ordinance Update

County staff are close to completing a preliminary draft of the BESS ordinance, and it is being reviewed and edited in coordination with County Counsel. Next steps include further Technical Working Group sessions on specific topic areas and the scheduling of a second public workshop in the first quarter of 2025, which will be in conjunction with the public release of the initial draft BESS ordinance for community feedback.

Separately, County staff are preparing a comment letter in response to Corby/NextEra's State AB-205/Opt-In Application for a BESS facility in the unincorporated area of Solano County near the City of Vacaville. The California Energy Commission will be making a decision on whether to deem NextEra's Opt-In Application complete or incomplete on December 9, 2024. County staff is aiming to submit its comments in advance of that date for consideration by the CEC.

3. Agenda item 2.C: Hemp Ordinance Amendment Direction

There is a business that currently operates in Contra Costa County processing hemp from a raw material in Cannabidiol (CBD) form (non-psychoactive) base for the use in non-psychoactive retail end-user CBD products. They are looking to purchase roughly 30,000 sf of warehouse space, in Solano County, and potentially outside of the existing hemp ordinance boundaries to expand their existing operations. They are proposing to ship into the County the

raw materials from their existing legal contracts with both California and out of state hemp farmers, to process the raw materials into a form that is sold to the CBD/ hemp product manufacturers to produce their non-psychoactive retail end-user products. The products include creams, salves, etc. No growing of hemp products on-site is proposed. The existing hemp ordinance only allows processing of hemp on the site where it is grown, and within the hemp ordinance boundary. As industrial hemp is considered an agricultural product per the State Food and Agricultural Code, will the County support a revision to the hemp ordinance to allow processing-only facilities on County property, outside of the established hemp ordinance boundaries? If so, are there preferred areas of the County, such as the IAS zoning district?

4. **Agenda item 2.D: Road Maintenance Agreement Update**

County Code currently requires there to be a recorded road maintenance agreement in effect when certain land uses are proposed on properties accessed from a private road. The road maintenance agreement must be in effect for all properties served by the private road — meaning all property owners along the private road must agree and be party to the agreement.

Land uses that require a recorded road maintenance agreement include **small and medium special events facilities, public assembly uses** (*churches, public stable with horse shows, clubs, lodges, and fraternal organizations, outdoor theaters*), **temporary agritourism** (*amusement and entertainment uses, certified farmers marks, seasonal sales lots, temporary agritourism events*), **tourist uses** (*vacation house rentals*) and **agricultural processing uses** (*agricultural processing facilities, nursery with public sales, wineries*).

County staff is seeking input from the LUTC on whether to amend the recorded road maintenance agreement requirement for any of the above-listed uses to provide an option that, in the absence of a recorded road maintenance agreement, the cost of maintaining the road in repair shall be borne by the landowner in proportion to the use made of the private road. This would address situations where a property owner seeking to develop (as otherwise allowed by County Code) is prevented from doing so by unresponsive neighboring landowners.

This amendment would be consistent with State law (Civil Code §§845(a), (b)), which provides that in the absence of a road maintenance agreement, the cost of maintaining a private road shall be shared proportionately to the use made by each landowner:

“The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. **In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.** (*Civ. Code, § 845(a), (b).*)

Is the LUTC supportive of an amendment to the County Zoning Code (Chapter 28) that would align with the above-stated provision of state law?

5. Agenda item 2.E: Agricultural Mitigation Ordinance

The Agricultural Mitigation Ordinance was approved by the Board of Supervisors on November 5th, 2024. Prior to that meeting and afterwards, staff received several public comments. County staff is therefore bringing the Agricultural Mitigation Ordinance back to the LUTC for additional feedback on ways in which the ordinance may be amended to be made clearer and more effective.

Several of the public comments related to ensuring farmland without irrigation is equally valued to farmland with irrigation. Staff proposes the following revision to two definitions to address this concern. Adding this clarity in the definitions will bring into consideration all the Grazing Lands that have Prime and Statewide Importance characteristics at the up to 3:1 ratio instead of leaving all Grazing Land at 1:1.5. Efforts are ongoing with the GIS department to determine how much acreage this is.

Definitions:

- Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Land as identified and mapped by the FMMP classified as Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, **or lands that have Statewide Importance characteristics that are not presently cultivated or irrigated, regardless of irrigation water availability.**
- Prime Farmland. Farmland identified and mapped by the FMMP classified as Prime Farmland, **or land with Prime Farmland characteristics which are not presently cultivated or irrigated, regardless of irrigation water availability.**

Staff recommends a minor change to Section 2.2-350(B)(6)(a) regarding mitigation credits where the applicant pursues an Agricultural Conservation Easement on a larger area of land than the required area:

- ~~At its sole option, a~~ An applicant may ~~choose request~~ to arrange for the imposition of an Agricultural Conservation Easement on a larger area of land than the required area pursuant to the applicable mitigation ratio and thereby generate a mitigation credit equal to the excess net acreage encumbered with the easement. **The Board of Supervisors shall have the discretion to approve the applicant's request and the generation of mitigation credits.**

Staff also recommends a minor change to Section Adjust 2.2-330 A. 2. to clarify that they are to be mitigated at the higher ratio:

Projects that convert Grazing Land, **excluding lands with Prime Farmland and Farmland of Statewide Importance characteristics**, shall be mitigated at a replacement ratio of 1.5:1. This means for every acre converted or developed, one and a half (1.5) acres shall be protected.

Staff is seeking direction on whether it should bring these and any other amendments to the Agricultural Mitigation Ordinance back to the Board of Supervisors.

6. Agenda item 2.F: Illegal Food Vendors

Unpermitted pop-up food vendors have become a significant issue in Solano County (and throughout California) in the past couple years. They pose a risk to public health and safety. Environmental Health has performed many enforcement “sweeps” over this time, and the issue persists. The biggest impact from unpermitted food vendors in Solano County is in the City of Vallejo, where most of the County sweeps have occurred.

Recently, members of the public addressed both the City of Vallejo City Council and Solano County Board of Supervisors asking for increased enforcement against unpermitted food vendors. They have specifically asked for the following assistance:

- Increased enforcement sweeps;
- Increased financial penalties;
- BOS dialog with incorporated cities for proactive enforcement measures (city ordinances); and
- Public awareness campaign focused on food safety and economic development.

Staff continues to work to address the public concerns related to unpermitted food vendors and is before the LUTC to receive input on next steps related to enforcement, discuss its impacts on local restaurants, and discuss state legislation SB972 as it relates to impacts to local enforcement with regards to amendments to the California Retail Food Code.

2280 Rockville Road



N



0 25 50 100 Feet
|-----|-----|-----|-----|

2280 Rockville Road

Approximate end of sewer line

Rock

Rockville Rd

ROCKVILLE RD

Rockville Rd

Existing Septic (working)

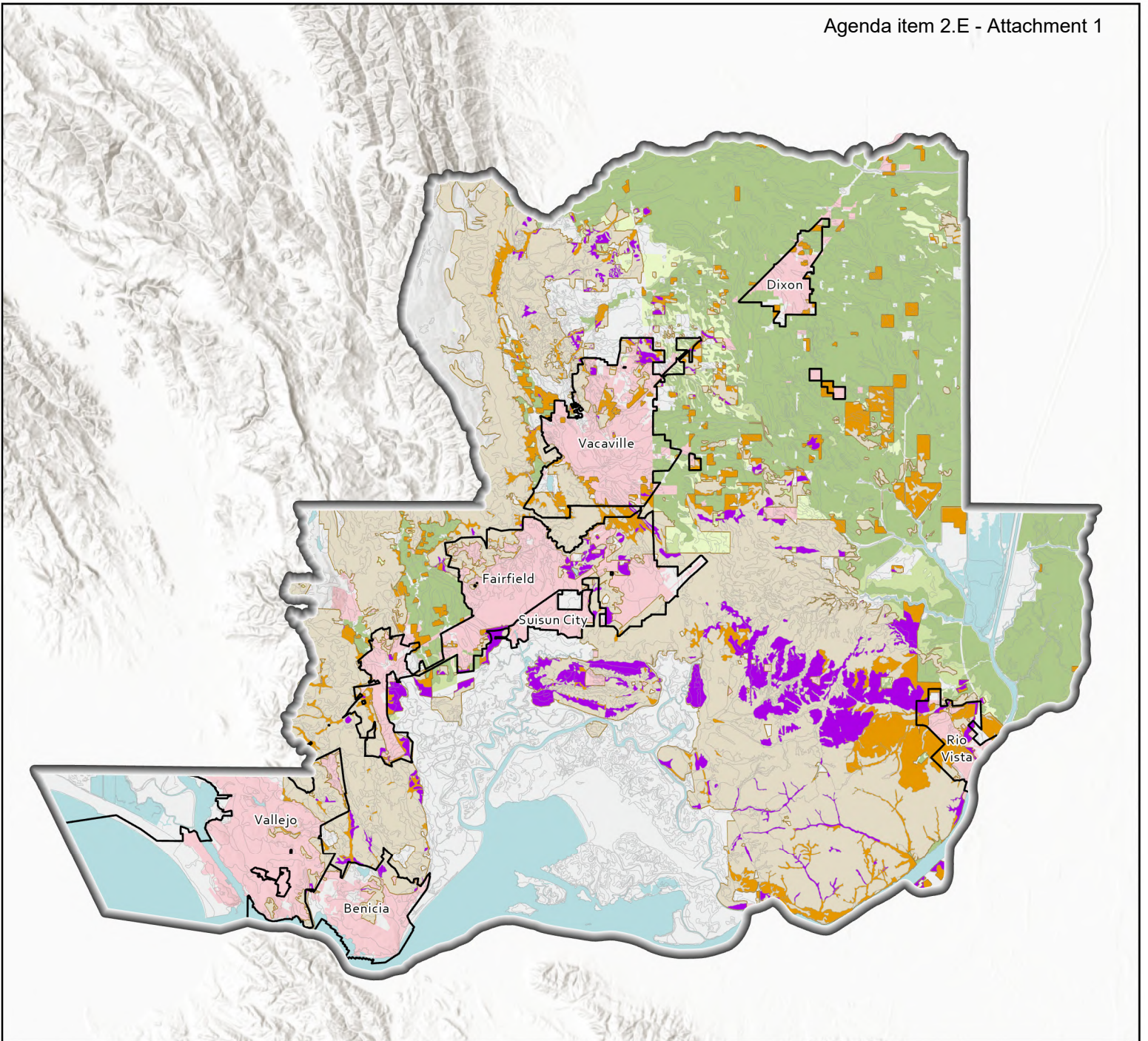
2280 Rockville

Existing Septic System (failing)

2284 Rockville



0.510 20 Feet



Selected Soils in Grazing Land

- Prime Farmland Soil Type
- Statewide Importance Soil Type

Important Farmland 2020

- Urban and Built-Up Land
- Grazing Land
- Prime Farmland

Farmland of Statewide Importance

- Unique Farmland
- Water Area
- Other Land

Soils

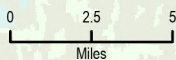
- City Boundary
- County Boundary



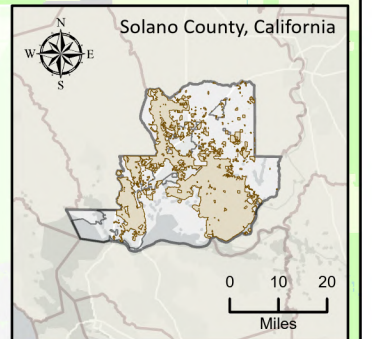
Solano Regional GIS Consortium

Solano County GIS Services
 Department of Information Technology
 675 Texas Street, Suite 3700, Fairfield, CA 94533
 Phone: 707-784-7497
 Email: GISStaff@SolanoCounty.com
 Thursday, November 14, 2024

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SOLANO COUNTY IMPORTANT FARMLAND - GRAZING LAND SELECTED SOIL TYPES



From: McGill, Jahniah A. <JAMcGill@SolanoCounty.com>
Sent: Thursday, November 14, 2024 9:01 AM
To: Profitt, Jeremy <jprofitt@fairfield.ca.gov>; Giugliano, Henrik <HVGiugliano@solanocounty.com>; Strickland, Edmond S. <ESStrickland@solanocounty.com>; Cenicerros, Gabriel C. <GCCenicerros@solanocounty.com>
Subject: Re: Unpermitted Vendors in Fairfield

Jeremy,

The city needs to draft an ordinance regarding enforcement for business licenses. The food pop-ups are like any other business, if the city has an ordinance which allows fines and impound of equipment this work can be done without the County Environmental Health. I would recommend you reach out to Ventura County and the City of Oxnard as they both had ordinances in place that allow Code Enforcement/PD to address this issue independently.

However, in a sense of this ordinance we are willing to assist. If you have staff and your PW is available we can have one staff member join you to cite CalCode for impound of equipment. If you are asking for us to do a sweep with you as a civil standby we are not doing these until Spring 2025.

As you stated our resources do not allow our ability to conduct sweeps year-round. If you have additional questions or would like to meet please advise.

Regards,

Jahniah McGill

From: Profitt, Jeremy <jprofitt@fairfield.ca.gov>
Sent: Thursday, November 14, 2024 8:48:13 AM
To: Giugliano, Henrik <HVGiugliano@solanocounty.com>; McGill, Jahniah A. <JAMcGill@solanocounty.com>; Strickland, Edmond S. <ESStrickland@solanocounty.com>; Cenicerros, Gabriel C. <GCCenicerros@solanocounty.com>
Subject: Unpermitted Vendors in Fairfield

Good morning,

I wanted to touch base with everyone regarding the increase in unpermitted vendors in Fairfield, as we're seeing a rise in unlicensed food vendors across the city. Around 5-10 a night. Despite efforts through education and administrative citations, many of the same vendors keep returning. It seems most are coming from out of town—Oakland, Woodland, Sacramento, and other nearby areas.

As we continue to escalate fines with limited results, I've been looking into H&S 114393 for potential next steps. We would like to conduct vendor sweeps for two weeks to make an impact. As you all face limited resources throughout the county, I reached out to our City Attorney to advise if Code Enforcement could enforce H&S 114393. This was his reply:

“My only concern is that the County Health Department can enforce H&S 114393, but how would the City Code Enforcement officers conduct health inspections? I don’t think code enforcement has the necessary training to conduct health inspections. Under H&S 113774, an “enforcement officer” under 114393 means “the director, agents, or environmental health specialists appointed by the State Public Health Officer, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.” Are you and your staff certified as “local health officers”?

Obviously, code enforcement is not a certified health officer or inspector, yet we issue admin citations. We would like to move towards impounding, and we have the storage space for this. Any thoughts from your area of expertise? I don’t want to step on your toes, but this has become a hot topic in our city and with City Council. Our Admin Citations are not deterring vendors.

I would also like to note that they are now going to schools and selling after school lets out. I have educated our FSUSD and we started conducting school vendor sweeps, but again admin citates don’t persuade these vendors.

Thank you as always for your support.

Impoundment

(a) Based upon inspection findings or other evidence, an ENFORCEMENT OFFICER may IMPOUND FOOD, EQUIPMENT, or UTENSILS that are found to be, or suspected of being, unsanitary or in such disrepair that FOOD, EQUIPMENT, or UTENSILS may become contaminated or ADULTERATED, and inspect, IMPOUND, or inspect and IMPOUND any UTENSIL that is suspected of releasing lead or cadmium in violation of Section 108860. The ENFORCEMENT OFFICER may attach a tag to the FOOD, EQUIPMENT, or UTENSILS that shall be removed only by the ENFORCEMENT OFFICER following verification that the condition has been corrected.



Jeremy Profitt Police Support Manager
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SB-972 California Retail Food Code. (2021-2022)

SHARE THIS:  

Date Published: 09/26/2022 02:00 PM

Senate Bill No. 972

CHAPTER 489

An act to amend Sections 113818, 113831, and 113868 of, and to add Chapter 11.7 (commencing with Section 114368) to Part 7 of Division 104 of, the Health and Safety Code, relating to retail food.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 972, Gonzalez. California Retail Food Code.

(1) Existing law, the California Retail Food Code (the code), establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities and requires local health agencies to enforce these provisions. Existing law, for purposes of the code, defines a "cottage food operation" as an enterprise that has no more than a specified amount in gross annual sales, is operated by a cottage food operator, and has no more than 1 full-time employee within the registered or permitted area of a private home where the food products are prepared and packaged. Existing law provides for the regulation of microenterprise home kitchen operations and limits those operations to not serving more than 30 individual meals per day and not more than 60 individual meals per week and to no more than \$50,000 in verifiable gross annual sales, as adjusted for inflation. Existing law authorizes the local enforcement agency to decrease the limit on the number of individual meals prepared based on the food preparation capacity of the operation.

This bill would authorize a cottage food operation or microenterprise home kitchen operation to serve as a commissary or mobile support unit for up to 2 compact mobile food operations if the cottage food operation or microenterprise home kitchen operation permit includes an endorsement from the local enforcement agency that the cottage food operation or microenterprise home kitchen operation is capable of supporting the preparation and storage of the food being sold from the compact mobile food operation and the storage and cleaning of the compact mobile food operation. The bill would authorize nonpotentially hazardous foods prepared in a cottage food operation to be served from a compact mobile food operation. The bill would define "compact mobile food operation" as a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. The bill would require compact food operations to conduct only limited food preparation.

(2) The code defines "limited food preparation" as food preparation that is restricted to specified activities, including dispensing or portioning of nonpotentially hazardous food, slicing and chopping of food on a heated cooking surface during the cooking process, and holding, portioning, and dispensing foods that are prepared at a satellite food service or catering operation.

This bill would include in the definition of "limited food preparation" dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing, slicing and chopping of nonpotentially hazardous food or produce that has been washed at an approved facility, hot and cold holding of food previously prepared at an approved permanent food facility, and reheating of food that has been previously prepared at an approved permanent food facility and held at the approved temperatures.

(3) The code defines "mobile food facility" and regulates what types of food may be provided at a mobile food facility. The code requires mobile food facilities to meet specified health and safety standards, including access to warewashing sinks, restrooms, and handwashing facilities and required quantities of potable water.

This bill would require a compact mobile food operation to meet the applicable requirements of mobile food facilities, except as specified. The bill would exempt a compact mobile food operation that has 25 square feet or less of display area and sells only prepackaged, nonpotentially hazardous foods or whole uncooked produce from the code, except as specified. The bill would authorize a compact mobile food operation to display or sell food outdoors, if certain conditions are met, including, among other things, overhead protection provided above all food display areas. The bill would require a compact mobile food operation that engages in the preparation of raw meat, raw poultry, or raw fish to meet additional specified requirements. The bill would authorize the enforcement agency to preapprove a standard plan for a standardized or mass-produced facility intended to serve as a compact mobile food operation and would authorize a compact mobile food operation to use that standardized or mass-produced facility after a final inspection, but without submitting plans for the individual unit. The bill would authorize the enforcement agency to collect a fee for the final inspection.

(4) Existing law requires commissaries and other approved facilities servicing mobile support units, mobile food facilities, and vending machines to meet specified standards.

This bill would authorize an enforcement agency to approve a facility with nonconforming structural conditions if those conditions do not pose a public health hazard. The bill would also require an enforcement agency to approve the storage of a compact mobile food facility in a permitted permanent food facility if, after initial inspection, the agency determines that the compact mobile food facility is protected from contamination. The bill would authorize the enforcement agency to charge a fee to administer these provisions.

(5) The code requires a food facility to have a valid permit to be open for business and authorizes the local enforcement agency to charge a fee for the permit or registration or related services.

This bill would authorize the local enforcement agency to reduce the fee for the permit, registration, or related service for an applicant seeking approval of a compact mobile food operation or related operations.

(6) Under existing law, violation of the code is a misdemeanor, unless otherwise specified.

This bill would make violations of the code by an operator or employee of a compact mobile food facility or a sidewalk vendor punishable only by an administrative fine. Additionally, by making changes to the definition of various crimes and by adding new crimes under the code, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 113818 of the Health and Safety Code is amended to read:

113818. (a) "Limited food preparation" means food preparation that is restricted to one or more of the following:

- (1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food.
- (2) Dispensing and portioning of nonpotentially hazardous food or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing.

(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.

(5) Slicing and chopping of nonpotentially 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.

(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.

(9) Reheating of food that has been previously prepared at an approved permanent food facility and held at temperatures required by this chapter.

(b) "Limited food preparation" does not include any of the following:

(1) Slicing and chopping potentially hazardous food, other than produce, unless it is on the heated cooking surface.

(2) Thawing.

(3) Cooling of cooked, potentially hazardous food.

(4) Grinding raw ingredients or potentially hazardous food.

(5) Washing of foods.

(6) Cooking of potentially hazardous foods for later use.

(7) Handling, manufacturing, freezing, processing, or packaging of milk, milk products, or products resembling milk products subject to licensing under Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

SEC. 2. Section 113831 of the Health and Safety Code is amended to read:

113831. (a) "Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.

(b) "Single operating site mobile food facilities" means at least one, but not more than four, unenclosed mobile food facilities, and their auxiliary units, that operate adjacent to each other at a single location.

(c) "Compact mobile food operation" means a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

SEC. 3. Section 113868 of the Health and Safety Code is amended to read:

113868. "Portable" means equipment that is capable of being lifted and moved or has utility connections that are designed to be disconnected or of sufficient length to permit the unit to be moved for cleaning, and does not exceed 100 pounds (46 kg) in weight or is otherwise designed to be mobile.

SEC. 4. Chapter 11.7 (commencing with Section 114368) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11.7. Compact Mobile Food Operation

114368. A compact mobile food operation, as defined in subdivision (c) of Section 113831, shall meet the applicable requirements of Chapter 10 (commencing with Section 114294), except as provided in this chapter.

114368.1. (a) Any compact mobile food operation with 25 square feet or less of display area from which only prepackaged nonpotentially hazardous food and whole uncooked produce is sold is exempt from the requirements of this part, except that the facility shall comply with all of the following:

(1) Sections 113980, 114047, 114049, 114390, 114393, 114397, and 114399.

(2) Chapter 1 (commencing with Section 113700).

(3) Chapter 2 (commencing with Section 113728).

(b) (1) A local enforcement agency may inspect a compact mobile food operation that is exempt, as specified in subdivision (a), during the facility's hours of operation and other reasonable times on the basis of a consumer complaint or just cause.

(2) For the purposes of determining compliance with this chapter, a compact mobile food operation that is not exempt as specified in subdivision (a) is subject to permitting and routine inspections or inspections on the basis of a consumer complaint or just cause.

(c) The local enforcement agency may recover the costs of investigation and enforcement of this section, subject to any limitations in this part on fines issuable to compact mobile food operations.

114368.2. (a) Compact mobile food operations shall conduct only limited food preparation, as defined in Section 113818. Notwithstanding any other provision of this part, a compact mobile food operation, as defined in subdivision (c) of Section 113831, may display or sell food outdoors, if all of the following conditions are satisfied:

(1) Overhead protection are provided above all food display areas.

(2) Food items from the outdoor display are stored consistent with this chapter at all times other than during business hours.

(3) Outdoor displays comply with Section 113980 and have been approved by the enforcement agency if the compact mobile food operation is required to obtain a permit.

(b) A compact mobile food operation shall not sell food other than nonpotentially hazardous prepackaged food or whole produce, or conduct any food preparation, unless it meets the applicable operational requirements of this chapter, including applicable requirements for integral equipment, handwashing, and restroom access.

(c) Equipment that is required to be integral to a compact mobile food operation shall either be permanently attached to the primary unit or securely fastened to the primary unit by means that would prevent unintentional removal. Equipment may be considered integral despite being portable or otherwise removable for cleaning, maintenance, or as part of its regular function.

(d) A compact mobile food operation operating from an individual shall not conduct any food preparation or sell foods other than nonpotentially hazardous prepackaged food or whole produce.

114368.3 (a) (1) A permitted cottage food operation or microenterprise home kitchen operation may serve as a commissary or mobile support unit for up to two compact mobile food operations if the cottage food operation or microenterprise home kitchen operation permit includes an endorsement from the local enforcement agency that the cottage food operation or microenterprise home kitchen operation is capable of supporting the preparation and storage of the food being sold from the compact mobile food operation and the storage and cleaning of the compact mobile food operation.

(2) Transactions at a compact mobile food operation operated by a cottage food operator shall constitute "direct sales" for the purposes of paragraph (4) of subdivision (b) of Section 113758.

(3) Transactions at up to two compact mobile food operations operated by a cottage food operator shall not count toward the annual gross sales restrictions in Section 113758 applicable to cottage food operations if the governing body has authorized this action.

(4) Nonpotentially hazardous foods prepared in a cottage food operation may be served from a compact mobile food operation.

(5) Food prepared in a microenterprise home kitchen operation may be served from a compact mobile food operation operated by the microenterprise home kitchen operation permitholder.

(6) The meal and gross annual sales limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 do not apply to the sale of nonpotentially hazardous food or produce for up to two compact mobile food

operations operated by the microenterprise home kitchen operation if the governing body has authorized this action.

(7) With the authorization of the governing body and if the enforcement agency determines that the operation does not pose a public health hazard, a permitted microenterprise home kitchen operation may serve as a commissary for up to two compact mobile food operations. The meal and gross annual sales limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 apply unless the governing body sets a higher meal and income limitation.

(8) The governing body of a local jurisdiction that permits microenterprise home kitchen operations pursuant to Section 114367, may set the meal and income limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 at a higher level than provided in those paragraphs for microenterprise home kitchen operations that operate in conjunction with a compact mobile food operation. Notwithstanding this subdivision, the levels in effect, by statute or ordinance, as of January 1, 2023, shall remain in effect until changed by the local jurisdiction.

(b) (1) Existing permanent food facilities may be permitted to support the operations and storage of compact mobile food operations pursuant to the requirements of this section.

(2) Notwithstanding any other provision of this part, upon an evaluation verifying that a permanent food facility satisfies subdivisions (a) to (f), inclusive, of Section 114326, an enforcement agency shall approve the use of a permitted permanent food facility to satisfy the requirements of Section 114295 for a compact mobile food operation.

(3) Notwithstanding any other provision of this part, upon an evaluation verifying that the compact mobile food operation will be stored in a manner that protects the compact mobile food operation from contamination, an enforcement agency shall approve the storage of a compact mobile food operation in a permitted permanent food facility.

(4) Except when a determination is made by the enforcement agency that any nonconforming structural conditions pose a public health hazard, the enforcement agency may approve a facility to support operations of a compact mobile food operation.

(5) Plan submission shall not be required for an existing permanent food facility to support the operations of a compact mobile food operation when a determination is made by the local enforcement agency that the current operation and structural facilities of the permanent food facility can successfully provide the necessary functions of a commissary for a compact mobile food operation.

(6) An approved permanent food facility that will be used for cooling of food for a compact mobile food operation shall be approved by the enforcement agency for cooling.

(c) (1) Unless prohibited by local ordinance, an enforcement agency may allow the use of a private home for the storage of a compact mobile food operation if it determines, after an evaluation, that storage in the private home would not pose a public health hazard and that the compact mobile food operation will be stored in a manner that protects the compact mobile food operation from contamination.

(2) No more than two compact mobile food operations may be stored in a private home unless the enforcement agency finds that storage of more than two compact mobile food operations in a private home would not pose a public health hazard.

(3) The storage area within the home shall be designated and clearly identified upon approval and shall not be relocated without the review and approval of the local enforcement agency.

(4) Prepackaged nonpotentially hazardous food, whole fruits, and whole vegetables may be stored in the home prior to sale or preparation of that food in a compact mobile food operation.

(5) Food prepared in a private home shall not be used or offered for sale on a compact mobile food operation, unless it is a permitted cottage food operation or microenterprise home kitchen operation pursuant to subdivision (a). Violation of this paragraph may result in suspension or revocation of the permit to operate the compact mobile food operation.

(6) For purposes of determining compliance with this subdivision, a local enforcement agency may access, for inspection purposes, a private home where a compact mobile food operation is stored only if the representative has, on the basis of a consumer complaint, reason to suspect that the home is being used for food preparation,

food storage, or unauthorized storage of utensils or other food facility equipment in violation of this subdivision.

(d) At the end of the operating day, potentially hazardous food that is prepared on or served from a compact mobile food operation shall be destroyed in a manner approved by the enforcement agency.

(e) For the purposes of this chapter, an endorsement by the local enforcement agency shall be a documented and recorded approval of compliance with applicable sections. An endorsement may include an inspection or evaluation, but shall not require a registration or permit.

(f) The enforcement agency may collect a fee for any permit, endorsement, inspection, or evaluation issued or conducted pursuant to this chapter in an amount that does not exceed the reasonable administrative costs of the enforcement agency.

114368.4. (a) Except as provided in subdivision (b), a compact mobile food operation that is approved for limited food preparation that prepares raw meat, raw poultry, or raw fish is subject to warewashing and handwashing facility requirements as outlined in Chapter 10 (commencing with Section 114294).

(b) (1) A compact mobile food operation may satisfy the requirements of Sections 114313 and 114314 by demonstrating access to a permitted auxiliary conveyance containing the necessary handwashing and warewashing sinks when operating at a site-specific location. The auxiliary conveyance may be operated by the same or a different permit holder. An enforcement agency may permit an auxiliary conveyance to serve multiple compact mobile food operations operating in close proximity to the auxiliary conveyance, as determined by the enforcement agency.

(2) If an auxiliary conveyance is not operated by the permit holder of the compact mobile food operation, the operator of the auxiliary conveyance shall obtain a permit from the enforcement agency to operate the auxiliary conveyance and service compact mobile food operations.

(3) The permit application for an auxiliary conveyance not operated by a compact mobile food operation shall include a site plan and shall be submitted to the enforcement agency at least two weeks prior to the operation of any food facility in conjunction with the auxiliary conveyance.

(4) The site plan for an auxiliary conveyance not operated by a compact mobile food operator shall show the proposed location and storage of the auxiliary conveyance, the proposed locations of any food facilities that will utilize the auxiliary conveyance, restrooms, refuse containers, potable water supply faucets, waste water disposal facilities, and all shared warewashing and handwashing facilities.

(c) A compact mobile food operation that is approved for limited food preparation that does not prepare raw meat, raw poultry, or raw fish shall do one of the following:

(1) Provide a three-compartment sink as described in subdivision (a) of Section 114313.

(2) Provide at least one two-compartment sink that complies with subdivision (e) of Section 114099.3.

(3) Provide a one-compartment sink with at least one integral metal drainboard, an adequate supply of spare preparation and serving utensils to replace those that become soiled or contaminated, and warewashing facilities that comply with subdivision (a) of Section 114313 in reasonable proximity to, and readily accessible for use by, food employees at all times.

(4) Maintain an adequate supply of spare preparation and serving utensils on the compact mobile food operation to ensure that utensils used for potentially hazardous foods are replaced with clean and sanitized utensils every four hours or as needed to replace those that become soiled or contaminated. A compact mobile food operation that complies with this paragraph is not required to provide a warewashing sink.

(d) A compact mobile food operation that is approved for limited food preparation that does not prepare raw meat, raw poultry, or raw fish shall provide an integral handwashing sink with at least five gallons of potable water to operate with a potable water tank with a capacity of at least five gallons for handwashing.

(e) An enforcement agency may permit a compact mobile food operation to operate with an integral water tank smaller than specified under subdivision (c) or (d) of Section 114217 if the enforcement agency finds that the compact mobile food operation is operating in an area and manner that would allow for replenishment of the water supply as needed during operations.

(f) A compact mobile food operation shall submit, to the enforcement agency, written operating procedures that include the process of filling potable water tanks if it will operate with a water tank with a capacity of less than five gallons specified in subdivisions (c) and (d) of Section 114217.

(g) A compact mobile food operation that does not prepare raw meat, raw poultry, or raw fish is exempt from any provision of this part requiring it be equipped with a water heater or otherwise be supplied with warm water.

114368.5. (a) Upon receipt of complete, easily readable plans drawn to scale, and specifications satisfactory to the enforcement agency, an enforcement agency may preapprove a standard plan for a standardized or mass-produced individual unit intended to serve as a compact mobile food operation.

(b) A person proposing to operate a compact mobile food operation who has acquired an individual unit for which the construction of the compact mobile food operation has been built to approved plans shall not be required to submit plans for the individual unit, but instead shall be subject to a final inspection of the compact mobile food operation to ensure that the individual unit and proposed method of operation conform to the standard plans preapproved pursuant to subdivision (a). The permit application for a compact mobile food operation utilizing a preapproved individual unit shall include a certification that the applicant has not substantially altered the individual units from the plans preapproved pursuant to subdivision (a). The enforcement agency may collect a fee in the final inspection in an amount that does not exceed the reasonable administrative costs to the enforcement agency.

(c) The repair of equipment or integral fixtures on a compact mobile food operation or the replacement of equipment and fixtures on a compact mobile food operation with substantially similar equipment or fixtures is not a remodel, and the repair or replacement of equipment or fixtures does not require the submission of plans to an enforcement agency.

(d) A local governing body may waive or reduce a fee for the permit, registration, or related services for an applicant seeking approval of a compact mobile food operation or related operations.

(e) All new and replacement food-related and utensil-related equipment for a compact mobile food operation shall be certified or classified for sanitation by an American National Standards Institute accredited certification program, or a certification program accredited by another accreditation body recognized by the enforcement agency as providing substantially similar food safety and operational standards. In the absence of an applicable certified sanitation standard, food-related and utensil-related equipment shall be evaluated for approval by the enforcement agency.

(f) All new and replacement electrical appliances for a compact mobile food operation shall meet applicable Underwriters Laboratories standards for electrical equipment as determined by an American National Standards Institute accredited certification program or a certification program accredited by another accreditation body recognized by the enforcement agency as providing substantially similar food safety and operational standards.

114368.6. A compact mobile food operation is exempt from Section 113947.1 if the operator and any individual who is involved in the preparation, storage, or service of food for the compact mobile food operation has obtained a food handler card that meets the requirements of Section 113948.

114368.7. A compact mobile food operation is exempt from the requirements of Section 114315 if the compact mobile food operation operates with multiple employees or operators and the compact mobile food operation may remain operable by a single individual so that employees or operators may alternate use of a restroom.

114368.8. (a) Notwithstanding subdivision (a) of Section 114395, a violation of this part by an operator or employee of a compact mobile food operation is punishable only by an administrative fine.

(b) A violation of any provision of this part or regulation adopted pursuant to this part by an operator or employee of a compact mobile food operation or a sidewalk vendor shall not be punishable as an infraction or misdemeanor, and an operator or employee of a compact mobile food operation or a sidewalk vendor alleged to have violated any of those provisions is not subject to arrest except when independent grounds for that arrest exist under law.

(c) Except as provided in paragraph (d), each offense by an operator or employee of a compact mobile food operation or a sidewalk vendor may only be punished by a fine consistent with the following:

(1) A notice of violation detailing the violation, including the applicable provision of this part or regulation adopted pursuant to this part.

(2) An administrative fine not exceeding one hundred dollars (\$100) for a second violation within one year of the first violation.

(3) An administrative fine not exceeding two hundred dollars (\$200) for a third violation within one year of the first violation.

(4) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(d) If a compact mobile food operation is required to obtain a permit from the enforcement agency, operating without a permit may be punishable by a fine not to exceed three times the cost of the permit in lieu of the administrative fines referenced in subdivision (c). An enforcement agency shall not issue any fines in excess of the amounts allowable pursuant to subdivision (c) prior to January 1, 2024.

(e) (1) When assessing an administrative fine for a first-time offense, pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The enforcement agency shall provide the person with notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code, the enforcement agency shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this section.

(3) The enforcement agency may waive the administrative fine or may offer an alternative disposition.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.