

Seminar Recap: *Permitting Requirements for Food Trucks and Mobile Food Vendors*

Why should I read this?



I just sell popcorn, ice cream, hot dogs!

FIND OUT WHY FROM THE SOURCES

January 25, 2011, The Food and Beverage Association of San Diego sponsored a presentation on Permitting Requirements for Food Trucks and Mobile Food Vendors. The presenters were a four-member panel from San Diego County Department of Environmental Health (DEH), Patrick Edwards, President of the Business Improvement District (BID) Council and Stephen A Zolezzi, CEO, of the Food and Beverage Association of San Diego County.

There was a large group of attendees comprised of current mobile food vendors, those planning to enter the mobile food business and commissary operators. The business of mobile food may look like an easy market entry operation, but that is not so. This meeting proved to be an essential eye-opener for the new mobile food vendor entrepreneur. Not only are there State, County and City regulations but also BID's to accommodate. All these entities require compliance with layers of laws which may, at times, conflict.

Mobile food facilities include motorized ice cream trucks, motorized produce trucks, ice cream and hot dog carts, mobile food preparation trucks, stationary and temporary hot food trucks as well as mobile food facilities that are stationary.

Business Improvement Districts (BID)

Patrick Edwards of the Business Improvement Districts, BID Council started the seminar by explaining that **many of the retail districts in San Diego and its surrounds have local BID's**. Local businesses support a district to promote and improve business in its district. There are sixteen BID's now and one more to be added this year. San Diego, the Gas Lamp, Pacific Beach, College Grove, El Cajon and Mission Bay have BID's.

If one owns a restaurant in a BID, there is a fee paid to the BID based on an annual assessment to operate the BID. The BID monitors the Public Right of Way (PROW) for the restaurant merchants to protect their brick-and-mortar business from pirating by mobile food vendors. Sidewalks to the curb are considered PROW's and setting up signs and merchandizing displays encroach on the PROW as does parking on the street and selling on to the sidewalk. It has occurred that mobile vendors will set up their operation on the street in front of a restaurant and sell to passers-by, thereby robbing the restaurant of its customers. Although the BID's do not have legal authority to act against the mobile food vendor, they will use the police to invoke city and state parking regulations to force the mobile vendor to move away to protect the brick-and-mortar business from unfair competition.



This is a No No in a BID

Not all of a city is in a BID. Many industrial parks welcome mobile food vendors to service the employees in the area. Patrick suggested that a mobile food vendor or one aspiring to be a mobile food vendor for a particular area attend the BID council meeting for the area if there is a BID.

Patrick commented that the BID's were not against mobile food vendor operations and that there are places for them to operate. However, the businesses that pay rent for a fixed location need to be protected. So, the BID is there to facilitate a collaborative arrangement, if possible, with mobile food vendors.



San Diego County Department of Environmental Health (DEH)

The laws governing mobile food vendors are in place to protect the health and safety of the public. The requirements for the equipment establish an environment whereby the food is handled, cooked, held or cooled correctly. Facilities for sanitizing equipment are also regulated.

There are **three levels of mobile food vendor service:**

- (1) sales of prepackaged products, i.e., ice cream, tamales, fruit,
- (2) limited food preparation, i.e., coffee, popcorn,
- (3) lunch truck full service, i.e., similar to a restaurant but on wheels.

There are **many regulations** from (DEH) besides the more obvious ones about food safety and equipment. Here are a couple of others:

Operating as a mobile food vendor at a single site all day requires that **restroom facilities** for the employees be available within 200 feet of the operation during all the operating hours. Less than a 60-minute stay in one location does not have this requirement.

There is also the requirement that a mobile food vendor have a **contract with a commissary** to provide water, waste and or grease discharge, propane gas, sanitizing facilities and refrigeration, if necessary. If the mobile food vendor is not able to travel to these facilities, there are mobile commissaries but this is not acceptable for vendors with more than limited food preparation. The department has a list of commissaries available for vendors. Some restaurants may qualify as commissaries.

The department provided handouts that detail the regulations and the permitting processes. It was advised that before investment is made in equipment, a meeting should be scheduled with the department to review plans in detail. There is a charge, but, according to the attendees, it is more than worth the expense.

The **seminar presentation from today is available on line at the Department of Environmental Health webpage** and can be downloaded from www.sdcdeh.gov. Attendees were invited to call the Duty Desk (619) 338-2379 with their questions.

Once permitted, DEH performs annual inspections. Placards are required to be placed in obvious view for review by the public.

Food and Beverage Association of San Diego

Stephen A Zolezzi, offered the services of his association to attendees that were contemplating entry into this retail operation. Those who wish could call and **schedule a private meeting** to review their plans and potential operations.

Audience Participation

There were comments from the audience about the **hazards of buying mobile vending vehicles**. Based on their experience, they advised that not only does the vehicle need to meet the requirements of the DEH, but it needs to meet the California DMV requirements. So, either out of state units or older models may not meet the current codes.



!!! PRICED TO SELL !!!
Can't pass on it?
Will it pass DMV inspection?
Is the food prep equipment
up to code?



Farmers Market opportunities were discussed. If the Farmers Market is operated as a charitable operation and had a health permit, a mobile food unit could operate inside the market. If the Farmers Market is part of a BID, it would be acceptable; however, parking across the street would be unacceptable to the BID. Many Farmers Markets are not in BID's.

All in all, this meeting proved to be an essential prerequisite to starting up a mobile food vendor operation. The codes are many but not insurmountable and there is plenty of assistance available from the DEH and FBA.