



County of Monterey Planning Commission

Item No.3

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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REFERRAL 24.8 - REGULATIONS AND ENFORCEMENT EFFORTS TO CURB UNPERMITTED FOOD VENDORS

Consider receiving a report from staff regarding the regulations and enforcement efforts to curb unpermitted food vendors and provide input to staff.

Project Location: Unincorporated Monterey County

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Receive a report from staff on regulations and enforcement efforts to curb unpermitted food vendors; and
- b. Provide input to staff.

SUMMARY/DISCUSSION

Referral No. 24.08 is a request from the Planning Commission for staff to return with information on regulations and enforcement strategies to curb unpermitted food vendors throughout unincorporated Monterey County. On October 25, 2024, the Planning Commission requested Referral No. 24.8 requesting a report on the regulations and enforcement efforts to curb unpermitted food vendors.

Health Regulations and Enforcement

Unpermitted food vendors are people who are selling or peddling food from a cart, truck, trailer, table, trunk of their cars, or from their home without a permit from the Department of Environmental Health.

The Environmental Health Bureau (EHB) has an established Mobile Food Facility (MFF) permitting process that requires MFF operators to complete and submit a health permit application, mobile food facility packet application, a food menu, commissary form (identifying where food is bought, prepared and stored), a plan check if a new MFF truck, and a MFF inspection. This permitting process covers multiple MFF types including full preparation MFF, limited food preparation MFF, compact mobile food operation (CMFO), ice cream trucks, produce trucks and MFF pre-packaged food catering trucks.

EHB has received an influx of complaints related to unpermitted food vendors in unincorporated Monterey County. These complaints have been centered primarily on pop up taco vendors in Soledad, Greenfield, Pajaro, Castroville, Prunedale, Crazy Horse/San Juan area, and on San Miguel

Canyon Road. Since July 1, 2024, EHB has received 66 complaints related to unpermitted food vendors. Response to these complaints includes site visits which also include requests for law enforcement presence prior to arrival, providing food safety education, requesting operator identification to issue a citation if law enforcement is present and having vendors cease food operations, pack up their operation and vacate the area.

Numerous health risks are associated with unpermitted food vendors including food from unapproved sources, poor personal hygiene, no handwashing on site, undercooked food, no restroom facilities, little to no food safety knowledge, and unsanitary food preparation stations. However, there has been no known food borne illness complaints due to pop up taco vendors reported at this time.

EHB operates under the regulatory responsibilities of the California Retail Code (CRR) which states that food vendors who wish to prepare and sell food must apply for a health permit with the Environmental Health Department. A health permit application must be submitted for review and an EHB inspector will assist with issuing the correct type of permit depending on food operations. The CRR addresses the following key essentials:

- Food in good condition/ safe and unadulterated - All food shall be from an approved source, and shall be produced, prepared, compounded, packed, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage.
- Compliance with food law - Food shall be obtained from sources that comply with all applicable laws.
- Permits, fees, and posting: A Food facility shall not be open for business without a valid Health Permit.
- Hands clean/properly washed - Employees are required to wash their hands before handling food, during food preparation when necessary, and after using the toilet or anytime when contamination may result.
- Toilet and handwashing Facilities - A Food Facility shall be operated within 200 feet travel distance of an APPROVED and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency to ensure that restrooms facilities are available to facility employees.
- Food Contact Surface/Utensils Washing - All food contact surfaces of utensils and equipment shall be cleaned and sanitized at the required frequencies. All food facilities handling open food shall be equipped with a ware washing sink with dish soap and sanitizer unless otherwise approved.
- Food preparation area, protection from contamination - All food shall be thawed, washed, sliced, and cooled, within an approved fully enclosed food facility.

Land Use/Zoning Regulations and Enforcement

The County of Monterey Housing and Community Development Department (HCD) processes permits pursuant to and enforces the County's land use and zoning regulations. Monterey County Code (MCC) is silent to mobile food facilities, yet MCC does include regulations associated with "restaurants" and "eating and drinking establishment". If a MFF is considered a restaurant or an eating and drinking establishment, then the MFF would be subject to County zoning regulations. HCD is

currently drafting a mobile food facility interpretation to identify when a MFF is considered a restaurant or eating and drinking establishments, and therefore subject to County zoning regulations and land use permitting. .

If a MFF results in the gathering of large assemblages of people, and may require a separate Use Permit or Coastal Development Permit. In addition, MFFs are subject to the County's noise regulations (MCC Title 10.060), which requires that the operation of machinery shall not exceed 70 dBA it is prohibited to make, assist in making, allow, continue, create, or cause to be made any loud and unreasonable sound any day of the week from 9:00pm to 7:00am the following morning.

Public Land and Right of Way

MCC section 12.08.040 of MCC does not allow for vendors to sell from parked vehicles or structures on public roads or within the public right-of-way. Vendors may receive a violation or an infraction according to Section 12.75.020 of MCC.

Enforcement Collaboration

Effective enforcement of unpermitted food vendors and MFFs requires coordinated enforcement effort amongst Monterey County Sheriff's Office (MCSO), local law enforcement agencies, the Environmental Health Bureau, and HCD Code Compliance. Environmental Health is leading coordination efforts and has requested additional resources from HCD Code Compliance, MCSO, and local city law enforcement in affected areas (Soledad, Greenfield and King City). Collaboration with these local law enforcement agencies will allow the authority to request operator identification to issue violation notice and citations, run license plate numbers, confiscate food and equipment and potential vehicle impoundment.

ENVIRONMENTAL REVIEW

This presentation is Statutorily Exempt pursuant to Section 15262 of the CEQA Guidelines.

OTHER AGENCY INVOLVEMENT

This report was developed in collaboration between County Environmental Health Bureau and HCD, and with participation from HCD Code Compliance and MCSO.

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cc: Front Counter Copy, Planning Commission, Monterey County District 1, Monterey County District 2, Monterey County District 3, Monterey County District 4, Monterey County District 5, Supervisor Church, Supervisor Alejo, Supervisor Askew, Supervisor Daniels, Supervisor Lopez.