ORDINANCE NO. (NEW SERIES)

ORDINANCE AMENDING A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose.

The purpose and intent of this Ordinance is to allow for small-scale, direct food sales from home-based food facilities to prioritize locally prepared foods to consumers. This will allow small-scale entrepreneurs entry into the retail food economy and will help provide them with access to guidelines, training, and safety resources.

Section 2. Section 61.504 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.504. OPERATIONAL REQUIREMENTS AND PROHIBITIONS APPLICABLE TO MEHKO OPERATORS.

Consistent with, and in addition to, the operational requirements and exemptions set forth in California HSC Section 114367, et seq., a MEHKO shall comply with all of the following:

(a) The MEHKO Operator shall successfully pass an approved and accredited Food Safety Certification Examination, in compliance with HSC Section 113947.1, and submit proof of certification with the permit application for a MEHKO operation.

(b) Any person(s) participating in the MEHKO shall obtain a San Diego County Food Handler Certification issued by the Department within ten (10) days of such participation as specified in Health & Safety Code Section 113948.

(c) All food storage within the permitted area shall comply with Chapter 4, Article 5 of the CRFC. Any other detached rooms on the premises, including accessory buildings and garages, may be used to store food items only if all food is stored inside of an approved refrigerator and/or freezer with a closable door/lid. Sleeping quarters or second units are not included as a permitted area.

(d) Only one MEHKO may operate per residence.

(e) MEHKO Operators whose potable water supply comes from a private well shall submit with their permit application sample results verifying the water supply meets at minimum a “Transient Non-Community Water System” standard, as defined in HSC Section 116275(o). Sample results shall include nitrate, nitrite, bicarbonate, carbonate and hydroxide alkalinity, calcium, iron, magnesium, manganese, pH, specific conductance, sodium, total hardness and bacteriological water quality.

(f) MEHKO Operators whose permits are initially approved, shall submit annually with the MEHKO permit renewal, updated nitrate, nitrite and bacteriological water sample results that show the water supply continues to meet “Transient Non-Community Water System” potable water standards. MEHKOs served by a public water system with groundwater sources shall submit documentation that water supply meets at minimum Transient Non-Community water quality standards.

(g) Food prepared in a MEHKO may be served from a compact mobile food operation (CMFO) operated by a MEHKO permitholder pursuant to HSC Section 114368.3(a)(5). A CMFO shall not sell

food other than non-potentially hazardous prepackaged food or whole produce, or conduct any food preparation, unless it meets the applicable operational requirements of the HSC Chapter 11.7.

(i) The meal and gross annual sales limitations in paragraph (7) of subdivision (a) of HSC Section 113825 do not apply to the sale of non-potentially hazardous food or produce for up to two CMFOs operated by the MEHKO pursuant to HSC Section 114368.3(a)(6).

(h) A permitted MEHKO may serve as a commissary or mobile support unit for up to two compact mobile food operations (CMFOs) if the MEHKO permit includes an endorsement from the Department that the MEHKO is capable of supporting the preparation and storage of the food being sold from the CMFO and the storage and cleaning of the CMFO pursuant to HSC Section 114368.3(a)(1).

(i) The meal and gross annual sales limitations in subparagraph (7) of HSC Section 114368(a) do not apply to the sale of non-potentially hazardous food or produce for up to two CMFOs operated by the MEHKO pursuant to HSC Section 114368.3(a)(6).

(i) Food preparation for a permitted MEHKO operating in conjunction with a CMFO is limited to no more than 80 individual meals per day and no more than 200 individual meals per week.

(j) A permitted MEHKO operating in conjunction with a CMFO shall not have more than $150,000 in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

Section 3. Effective Date. This Ordinance shall take and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
Claudia G. Silva, County Counsel
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