

CHAPTER 6 MOBILE FOOD VENDING

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§6-01 Scope and applicability.

All mobile food vendors and the mobile food vending units operated in the City of New York are subject to and must comply with all applicable provisions of Articles 5, 71, 81, 89 and all other applicable provisions of the New York City Health Code (the "Health Code"); Title 17 of the Administrative Code of the City of New York (the "Administrative Code"); Part 14 of the New York State Sanitary Code (the "Sanitary Code"); and the rules of the Department set forth in this Chapter and Chapters 20, 26 and other applicable provisions of Title 24 of the Rules of the City of New York.

§6-02 Definitions.

Words and terms used in this Chapter have the following meanings:

Acceptable to the Department means acceptable under conditions of use and being used in conformance with applicable regulatory, industrial or other safety standards.

Active food vendor license means an unexpired food vendor license issued by the Department that authorizes the holder to vend food from a mobile food vending unit and which license is not in suspension nor revoked or surrendered.

Compliance inspection means an inspection conducted within an inspection cycle that is not conducted for the purpose of grading.

Condition level means the value (I, II, III, IV or V) based on the number, magnitude or pervasiveness of occurrences, or the seriousness of risk presented by a violation.

Contaminated has the meaning set forth in Article 81 of the Health Code.

Critical violations means the violations of the Health Code or other applicable law listed under the classification “critical violation” in Appendices 6-A and 6-B to this Chapter.

Cure means that the respondent has submitted proof of having corrected a first-time violation and the Department has accepted such proof.

Decal has the same meaning as in Article 89 of the Health Code.

Detergent sanitizer means a solution used to wash and/or sanitize utensils and equipment.

First-time violation means a violation of law, listed in Appendix 6-C, 6-C-2, or 6-C-3 of this Chapter, committed by a respondent for the first time and cited on a summons that either is pending or has not been adjudicated by OATH as defaulted or sustained.

Food has the meaning set forth in Article 71 of the Health Code.

Food grade material means material certified as meeting the standards of the National Sanitation Foundation (NSF) or other organization utilizing a process approved by the American National Standards Institute (ANSI), or that is otherwise acceptable to the Department in compliance with 24 RCNY Health Code § 81.17 or successor provision. During use with food products such material shall not react with such food products or food contact surfaces; and shall not contaminate or impart any odor, color or taste to such food products. No food additive, food equipment, lubricant or other similar substance used in food processing, preparation, storage or service shall expose food to physical debris, toxic chemicals, harmful substances or other contaminants.

Former FTP Waiting List means a full-term permit waiting list as formerly provided in Chapter 19 of Title 24 of the Rules of the City of New York, entitled “Waiting List Rules for Full-term and Temporary Mobile Food Unit Permits and Full-term Mobile Food Unit Permits Designated Exclusively for Use in Specific Boroughs,” which went into effect on January 4, 1996 and was amended on November 11, 2022 to omit references to full-term permit waiting lists.

General violations means violations listed under classification “general violations” in the Appendices 6-A and 6-B to this Chapter.

Grade card or card means the document or sticker issued by the Department to a mobile food vending unit indicating the letter grade associated with the score for an inspection of that unit.

Grade pending card means the document or sticker issued by the Department to a mobile food vending unit indicating the unit's grade for the current inspection cycle is in the process of being determined.

Green cart has the meaning set forth in §17-306(s) of the Administrative Code or successor provision.

Initial inspection means the first sanitary inspection within an inspection cycle.

Inspection cycle means a series of inspections of a mobile food vending unit that are conducted pursuant to §6-17 and §6-18 of this Chapter that begins with each initial inspection.

Legacy permit means an unexpired mobile food vending permit that issued before July 1, 2022, except for the following permit types:

- (i) permits issued for green carts as defined in Section 6-02 of this Chapter and in the Administrative Code § 17-306(s);
- (ii) temporary/seasonal permits which authorize mobile food vending where allowed from April 1 through October 31;
- (iii) restricted area permits as defined in this Chapter; or
- (iv) permits issued to veterans with a disability who hold a specialized vendor license.

Location sharing device means an electronic device installed to a mobile food vending unit that transmits the geographic location of the unit with sufficient accuracy to locate such unit on a street or other location.

Mobile food commissary or other facility approved by the Department means either

- (a) A commissary that complies with the requirements of Articles 81 and §89.27 of the Health Code, or
- (b) Another facility providing storage and/or cleaning of no more than four Class D or Class E mobile food vending units, nor more than one food truck, in accordance with §6-08 of this Chapter.

Mobile food vending unit (MFVU) or unit has the same meaning as in Article 89 of the Health Code.

Operate or operation of a mobile food vending unit shall have the same meaning as in Article 89 of the Health Code.

Person with a disability has the same meaning as "disabled person" as defined in Administrative Code § 17-306(m).

Potable water means drinking water that meets the drinking water requirements of subpart 5-1 of the State Sanitary Code and is thereby suitable for human consumption or use directly or indirectly in connection with the preparation of food for human consumption, including ice making and cleaning of utensils and equipment.

Potentially hazardous food has the same meaning as "potentially hazardous food or time and temperature controlled for safety (TCS) food" means in Article 81 of the Health Code.

Pre-permit inspection by the Department means the inspection of a mobile food vending unit in which the Department determines that the unit has been constructed and

equipped in accordance with this Chapter. A pre-permit inspection by the Department is required:

- (i) Before the issuance of a new or renewed mobile food vending permit and decal;
- (ii) When a permittee seeks to replace a mobile food vending unit with another unit;
- (iii) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (iv) When a mobile food vending unit has sustained a material alteration, as defined in §89.03(e) of the Health Code; or
- (v) When any permit decal has been removed.

Processing means transforming food into the form in which it is to be served to the mobile food vending unit patron, including, but not limited to, by means of slicing, dicing, grating, portioning, blending, mixing, combining, cooking and reheating, or otherwise treating food in such a way as to create a risk that it may become adulterated if improperly handled. Portioning by butchering is not allowed; food may be processed on a mobile food vending unit only in accordance with Article 89 of the Health Code. A person who processes food on a mobile food vending unit is not a manufacturer, as that term is defined in Administrative Code §17-306(p), or successor provision of law.

Public health hazards means critical violations that are known to contribute directly to food-borne illness or disease, identified with an asterisk (*) in Appendix A of this Chapter, and which include but are not limited to, imminent health hazards defined in Article 81 of the Health Code and Part 14 of the State Sanitary Code.

Reinspection means a sanitary inspection conducted for the purposes of grading following receipt of a score of 14 or more points on an initial inspection.

Restricted area permit means a permit that authorizes mobile food vending on “private space” or “restricted space” as those terms are defined in Section 89.03 of the New York City Health Code.

Sanitization means effective treatment by heat or chemical means that destroys pathogens on surfaces treated and is acceptable to the Department, as defined in §81.03(ii) of the Health Code, or successor provision.

Summons means a civil notice of violation or other document issued by the Department or other City agency to a mobile food vending permit-holder or vendor that charges a violation of the Health Code, or any other law or rule, for which a monetary penalty is sought, and which is adjudicated at the Office of Administrative Trial and Hearings.

Supervisory license has the same meaning as and carries the restrictions provided in Administrative Code §§ 17-306(v) and 17-307.1, respectively.

Supervisory license-associated permit means a mobile food vending permit issued to a supervisory license holder that authorizes vending from a vehicle or pushcart only when a supervisory license holder is present and vending.

Veteran has the same meaning as provided in Administrative Code § 17-306(j).

Veteran with a disability has the same meaning as “disabled veteran” as that term is defined in Administrative Code § 17-306(k).

Ware washing or multi-compartment sink means a sink, other than a hand wash,

dedicated to washing cookware, kitchenware and utensils.

§6-03 Mobile food vending unit classifications.

(a) Mobile food vending units shall be classified based on the foods, processing and packaging of foods served. Class A and Class B units are processing units and Class C, Class D and Class E units are non-processing units for the purpose of payment of the permit fees set forth in §17-308(c) of the Administrative Code, or successor provision, and Article 5 of the Health Code.

- (1) *Class A mobile food vending unit* means a processing unit on which raw, pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are stored, prepared and provided for individual service. Such foods include, but are not limited to, grilled or fried meats, sausages, poultry, shish kebab, hamburgers, eggs and gyros.
- (2) *Class B mobile food vending unit* means a processing unit in or on which pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in §81.09 of the Health Code are stored, prepared and provided for individual service. Such foods include, but are not limited to, sandwiches prepared on the unit, raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream.
- (3) *Class C mobile food vending unit* means a non-processing unit in or on which only intact, prepackaged potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are provided for individual service. Such foods include, but are not be limited to, prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables.
- (4) *Class D mobile food vending unit* means a non-processing unit in or on which non- potentially hazardous packaged or unpackaged foods not requiring temperature control for safety are provided or served. Such foods include, but are not limited to, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, and chestnuts, regardless of whether such foods are heated for aesthetic purposes. However, mobile food vending units that prepare and serve any potentially hazardous foods, including but not limited to, dairy products, pre-cooked or manufactured knishes, boiled frankfurters and sausages are Class D mobile food units that require equipment or other means of holding potentially hazardous foods at the temperatures required by Articles 81 and 89 of the Health Code.
- (5) *Class E mobile food vending unit* means a green cart or mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.

(b) Only food to be served or sold. A permit to distribute or sell food from a mobile food

vending unit does not authorize the sale of any other product or merchandise from such unit.

- (c) If a vendor serves or prepares foods included in more than one Class of operation, the unit must be equipped in accordance with the classification that reflects the greater degree of food protection.

§6-04 Mobile food vending units: construction and equipment requirements for all classes of mobile food vending units.

Mobile food vending units must be constructed and equipped so that they may be maintained and operated in a clean and sanitary manner, in accordance with all applicable law, so as to protect foods from contamination by dust, dirt and toxic and other substances, and the public from risk of injury, and must be equipped in accordance with the requirements set forth in Table 1 in §6-05 of this Chapter. Units and equipment must be manufactured from easily cleanable, durable, hard, smooth, non-porous, non-absorbent, non-reactive and non-toxic materials. All equipment must be fastened securely to the mobile food vending unit. No mobile food vending unit or truck may be used as a dwelling, or for sleeping or other residential purposes for any period of time.

- (a) *Food contact surfaces.* Food contact surfaces, as defined in Health Code §81.03(p) or successor provision, shall be constructed of easily cleanable, non-toxic commercial food grade materials; kept free of cracks, chips, holes, pits and sharp edges; and maintained in a clean and sanitary condition. Upon request of the Department, a permittee shall provide proof acceptable to the Department that a material used in construction or equipping of a mobile food unit is certified as food grade.

- (1) *Lubricants.* Equipment for processing foods that contain bearings and gears maintained and operated with non-food grade lubricants must be designed and constructed so that lubricants cannot leak, drip, or contaminate food or food contact surfaces.

- (2) *Cooking surfaces.* Cooking surfaces within a mobile food vending unit shall be placed and configured so as to minimize the risks of food contamination and injury to patrons, vendors, and the public.

- (b) *Non-food contact surfaces.* All non-food contact surfaces must be smooth, easily cleanable, maintained in good repair and kept clean. If solder is used in construction or repairs, it shall be made of non-toxic materials, corrosion resistant, and contain less than 0.2% lead.

- (1) *Interior non-food contact surfaces.* Interiors of mobile food vending units, including floors, walls and ceilings of food trucks, and non-food contact surfaces of equipment that are exposed to food splash or debris, or that otherwise require frequent cleaning shall be designed and constructed of smooth, non-toxic and washable materials, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning and sanitizing and maintained in a clean and sanitary condition.

- (2) *Exterior non-food contact surfaces.* Exterior non-food contact surfaces shall be constructed of smooth, durable, non-porous, non-toxic materials, without any open seams and joints.
- (3) *Permit decal and grade card to be visible and unobstructed.* The permittee shall provide a space on the unit that is a permanent part of the mobile food vending unit for the placement of a permit decal and the posting of a grade card in accordance with this chapter. Such space shall:
- (A) not be readily or easily removable and shall consist of a flat, smooth metal surface;
 - (B) be no less than 14 inches in height and 14 inches in width;
 - (C) be located on the exterior of the unit directly to the left or right of the primary customer service window or service area;
 - (D) be adjacent to the primary customer service window or be located as close to the top of the unit as possible as to be readily visible to the public;
 - (E) not be located near any heat-producing equipment or any side of the unit that abuts the curb; and
 - (F) not be covered by any material or protective covering that blocks or obscures the permit-decal or grade card, or impedes direct access for physical examination, inspection, and removal by government officials.
- (4) *Doors and windows.* In a food truck a partition or a partition with a self-closing door shall be installed between the driver's seat and the food processing and service area. To protect foods from potential contamination in all units, no service window may be installed over or behind cooking or food preparation equipment.
- (c) *Lighting.* A mobile food vending unit shall be equipped with artificial lighting fixtures providing a minimum of 540 lux (50 foot candles) of light at all food contact surfaces and ware washing sinks whenever natural lighting conditions do not meet that standard. When artificial lighting is used, shatter-proof or shatter-guarded lighting shall be installed. Lighting fixtures located over or near food storage, preparation and service equipment shall be shielded to prevent broken glass from falling into food or onto food contact surfaces.
- (d) *Ventilation.* Cooking equipment shall be mechanically ventilated to prevent a nuisance from heat, smoke, odors or fumes. Mechanical ventilation hoods and equipment shall be installed and used to prevent grease, steam, smoke, and odors from collecting on interior surfaces, contaminating food and creating a nuisance. If filters and other grease extracting equipment are not designed to be cleaned in place, they must be readily removable for cleaning and replacement, and must be removed and cleaned to prevent accumulations of grease. Power generators shall be used and vented in accordance with manufacturers' specifications.
- (e) *Insect and rodent control.* Mobile food vending units shall be maintained so as to be free of insects, rodents, and conditions promoting harborage, as defined in Article 151 of the Health Code, and breeding of insects and rodents.

(f) *Potable water supply.* Mobile food vending units that are required to maintain a potable water supply in accordance with Table 1 of §6-05 shall be equipped with plumbing and plumbing fixtures that provide adequate supplies of potable hot and cold water during all times of operation. Individuals operating mobile food vending units shall maintain sufficient supplies of potable water to allow for hand, ware and food washing and food preparation. Plumbing and fixtures shall be properly connected, vented and drained to prevent contamination of the City water supply or any other potable water supply. Water supply outlets and connections to water supply fixtures or equipment shall be designed and constructed to prevent back-flow into the water supply. Bottled and packaged potable water certified by the New York State Department of Health for sale in New York State may be used to supplement the potable water supply, if handled and stored in a way that protects it from contamination. If used, bottled and packaged potable water shall only be poured into tanks from the original containers. Failure to provide and maintain potable water supplies required by this Chapter is an imminent health hazard requiring immediate cessation of operation of any mobile food vending unit.

(1) *Tank capacity.* When a potable water supply is required by Table 1 of §6-05 of this Chapter, a food truck shall be equipped with a tank or tanks with a total capacity of no less than 40 gallons; other mobile food vending units shall be equipped with a tank or tanks with a total capacity of no less than 10 gallons. All tanks shall be filled to capacity prior to beginning operation or operating. On and after January 1, 2020, all potable water tanks shall be equipped with a mechanical or electronic device indicating the amount of water remaining in the tank. Water levels must be marked on each tank in gallon (or metric equivalent) increments, from zero to the tank's maximum capacity, that are readily observable and easily readable by the vendor from outside the tank.

(2) *Water tanks and inlet pipes.* Water tanks shall be constructed of food grade materials that are corrosion resistant, durable and non-absorbent. Water inlet pipes shall be made of flexible, food-grade material. The fitting for hose connections shall be capped except when tanks are being filled.

(g) *Plumbing.* Plumbing fixtures shall be constructed of food grade material; piping and distribution piping shall be installed and maintained to protect the water from contamination. All piping shall be easily accessible for inspection and repair.

(1) *Tank drainage.* Potable water tanks shall be fitted with a faucet or valve and tilted to allow complete drainage. The entire system shall be constructed to be drained by gravity or other means acceptable to the Department.

(A) Potable and waste water connections on a mobile food vending unit shall be designed and constructed so as to prevent backflow and/or cross-connection with the water supply.

(B) Equipment and fixtures used for storage, preparation, or processing of food that are drained into the waste water tanks shall be equipped with a readily accessible vented check valve on the waste line.

- (C) No equipment may be directly attached to the potable water supply unless an approved backflow device is installed.
- (2) *Pressure.* Potable water, when required by Table 1 of §6-05 of this Chapter, shall be dispensed at sufficient pressure to provide a constant adequate flow.
- (h) *Waste water system.* Waste water shall be stored and disposed of in accordance with §89.25 of the Health Code.
 - (1) Waste water storage tanks and pipes shall be designed and maintained so as not to leak or spill on sidewalks or public streets.
 - (2) When required by Table 1 of §6-05 of this Chapter, waste water tanks shall have a minimum capacity that is at least 15% greater than the potable water supply capacity and be clearly and permanently labeled “waste water.”
 - (3) Mobile food vending units creating liquid waste, including but not limited to units serving beverages such as coffee or tea or boiling frankfurters or holding melting ice, shall be equipped with a waste water tank with a minimum capacity that is at least 15% greater than the amount of water used for brewing coffee, processing food or for other liquid waste.
 - (4) Mechanically refrigerated equipment and containers where ice is used must be equipped with an indirect waste connection, in accordance with Health Code §81.20, that drains into the waste tank.
- (i) *Hand washing, ware washing and food washing.*
 - (1) *Hand wash sink.* When required by Table 1 of §6-05 of this Chapter, mobile food vending units must be equipped with a separate hand wash sink or with one compartment of a multi-compartment sink that is used only for hand washing and no other purpose. The hand wash sink must:
 - (A) Be located in the food preparation area, accessible for immediate use at all times, at a convenient height, and not obstructed by or used to store supplies or other equipment;
 - (B) Dispense potable running water;
 - (C) Have a dispenser valve or faucet which provides a constant flow of water when opened;
 - (D) Be supplied by a potable water storage tank constructed of food grade material that holds at least five (5) gallons of water;
 - (E) Be equipped with supplies of soap and paper towels or other single-use hand drying device; and
 - (F) Be equipped with “Wash Hands” signs in accordance with Health Code §81.21 (c).
 - (2) *Ware washing and sanitizing sink.*
 - (A) All equipment and utensils must be cleaned and sanitized at least once daily at the mobile vending unit commissary in accordance with Health Code §89.19(l). When required by Table 1 of §6-05 of this Chapter, a sink with a swivel faucet must be provided to wash and sanitize utensils and equipment that have become contaminated while the unit is in operation before being re-

used.

- (B) Utensils being used to serve or dispense ready to eat foods may be stored in a container of water heated to and maintained at 135 degrees Fahrenheit (57 degrees Celsius) or higher. The container must be cleaned and sanitized at least once every 24 hours at the permittee's commissary, and be large enough to allow immersion of the largest sized utensils.
 - (C) A sink used for ware washing and sanitizing may be used for washing foods, but may not be used for washing hands or as a slop or utility sink.
- (3) *Washing foods in a separate food washing sink or food grade container.* When required by Table 1 of §6-05, a separate dedicated sink, or a food grade container placed in a compartment of a ware washing sink may be used for washing food that requires washing while the unit is in operation.
- (A) The sink and the colander in which food is washed must not contain any other equipment or supplies when food is being washed, and must be cleaned and sanitized before and after washing any food.
 - (B) Any sink in which food is washed must be indirectly drained as defined in §81.03(z) of the Health Code or successor provision.
- (4) No sink used for washing hands, wares or food may be used as a slop or utility sink.
- (l) *Hot and cold storage.* When required by Table 1 of §6-05 of this Chapter, mechanical or other holding equipment shall be provided and used to hold potentially hazardous hot foods at or above 140 degrees Fahrenheit (60 degrees Celsius) and cold foods at or below 41 degrees Fahrenheit (five degrees Celsius).
- (1) *Thermometers.* Each hot and cold storage unit shall be equipped with a numerically scaled or other indicating thermometer, accurate to plus or minus two degrees Fahrenheit (one degree Celsius).
 - (2) *Placement of thermometers.* Thermometers in cold holding equipment shall be placed in such equipment or cold holding containers to measure air temperature in the warmest part of the unit. Thermometers used to measure the temperature of food in hot holding equipment shall be placed so that they measure the temperature in the coolest part of such equipment.
- (m) *Compliance with fire safety requirements.* In addition to the other requirements of this section, all mobile food vending units and commissaries shall comply with the New York City Fire Code (Title 29 of the Administrative Code) and rules of the Fire Department found in Chapter 38 of Title 3 of the Rules of the City of New York, or successor provisions, regulating the use of any flammable gas, and governing the storage, handling and use of propane and other liquefied petroleum gases ("LPG"). As set forth in Chapter 38 of the Fire Code and Chapter 38 of the Fire Department rules, such provisions prohibit the use of any flammable gas other than LPG for cooking and heating on a mobile food vending unit. The provisions also prohibit the placement of any unit with propane or other LPGs on a subway grate, and among other things regulate:

- (1) Design of the cooking grills and other heating equipment;
 - (2) Size, number, location and securing of the LPG containers;
 - (3) Securing of container valves; and
 - (4) Size, type, location and mounting of required portable fire extinguishers.
- (n) *Ice cream trucks.* No decal may be issued for any food truck to be used to vend ice cream and other frozen desserts unless such truck is equipped with fully operational warning beepers and signage arm as required by the State Vehicle and Traffic law and the rules promulgated under such law.
- (o) *Overhead structure.* Every mobile food vending unit shall be equipped or constructed with an overhead structure such as an overhang, roof, canopy, umbrella or similar device adequate to protect food and equipment from contamination.
- (p) *Food security.* All mobile food vending units shall be equipped with appropriate food grade coverings, tamper-proof locks or other mechanisms. Vendors shall secure such units when it is necessary to leave mobile food vending units unattended on a street for no more than one-half hour. Units left unattended for periods longer than one-half hour shall be deemed abandoned and an imminent health hazard, in accordance with Health Code §89.31(c).

§6-05 Mobile food vending units: supplies and equipment required for different classes of mobile food vending units.

- (a) In addition to the general requirements for construction and design of mobile food vending units and their equipment in §6-04 of this Chapter, and the location sharing device required by §6-21 of this Chapter, each class of vending units shall be supplied and equipped in accordance with Table 1 of this section. The minimum equipment required is determined by the class of the unit and the foods that are processed and/or sold on the unit.
- (b) *Permit subject to revocation; mobile food vending units subject to seizure.* Persons who prepare, process or serve foods from a mobile food vending unit that is not equipped in accordance with the requirements specified for the unit's permit classification as set forth in this section will be deemed to be vending without a permit. Such units and their contents are subject to seizure, removal of the permit decal or insignia, and any other sanctions prescribed by applicable law, including but not limited to, provisions of Article 89 of the Health Code.

§6-05. Table 1. Supply and Equipment Requirements for Mobile Food Vending Units

	Potable water	Food and ware washing sinks ¹	Hand wash sink	Waste water tank	Overhead structure	Ventilation	Cold holding	Hot holding	Thermometers
Class A: Potentially hazardous raw foods cooked on unit; e.g., fried and grilled sausages, poultry, shish kebab, hamburgers, eggs and gyros	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Class B: Potentially hazardous prepared foods combined on the unit; e.g., sandwiches raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Class C: Potentially hazardous prepackaged foods; e.g., prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables	No	No	No	Yes ³	Yes	No	Yes	Yes	Yes
Class D: Non-potentially hazardous unpackaged or packaged foods; e.g., boiled frankfurters and sausages, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, chestnuts	Yes ²	No	No	Yes ³	Yes	Yes	Yes ³	Yes ³	Yes ³
Class E: Non-potentially hazardous uncut fruit and vegetables; raw prepackaged shelled nuts and shelled nuts. No other foods.	No	No	No	No	Yes	No	No	No	No

Notes:

1. Food and ware washing sinks may be separate or multi-compartment. A single sink is acceptable for food and ware washing if food is washed in a food-grade colander.
2. Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice. See §6-04(h)(3) of this Chapter.
3. Hot and cold holding equipment or methods required for potentially hazardous foods such as hot dogs, sausages and knishes.

§6-06 Size and placement of mobile food vending units.

- (a) *Non-truck units.* No new permit shall be issued for any mobile food vending unit pushcart that exceeds ten (10) feet in length and five (5) feet in width, including wheels, axles and other appurtenances to such wheels. When vending on a sidewalk, the operator must place the unit so that the longer side is parallel and next to the curb that borders the sidewalk.
- (b) *Food trucks.* These size restrictions do not apply to food trucks.

§6-07 Green carts.

- (a) *Foods offered.* Green carts may offer only the following foods:
 - (i) Unprocessed, unfrozen, raw fruits and vegetables that have not been combined with other ingredients.
 - (ii) Prepackaged raw, cut or sliced fruits or vegetables, which may include dried herbs and spices and which do not contain added sodium or added natural or artificial sweeteners.
 - (iii) Prepackaged, still or carbonated water, which may contain flavoring or minerals but does not contain sodium or natural or artificial sweeteners and must have zero calories.
 - (iv) Raw, single-ingredient nuts. Shelled nuts must be prepackaged. In addition to the above requirements specific to green carts, green carts must comply with all other applicable requirements pertaining to Class E mobile food vending units.
- (b) All packaged foods must be labeled in accordance with NYS Department of Agriculture and Markets regulations.
- (c) *Exemption of police precincts where green carts may vend.* Notwithstanding any provision in §17-307(b)(4)(b) of the Administrative Code, no fresh fruits and vegetables permit may be designated for use within either the 45th or 72nd police precincts of the City of New York.
- (d) *Additional police precincts where green carts may vend.* Notwithstanding any provision in § 17-307(b)(4)(b) of the Administrative Code, fresh fruits and vegetables permits may be used within the 63rd and 69th police precincts of the City of New York.

§6-08 Facilities for servicing Class D and Class E mobile food vending units.

- (a) Use of a facility that services four or fewer Class D and/or Class E mobile food vending units that are not food trucks, or one Class D or Class E food truck, may be approved by the Department at or prior to the pre-permit inspection of such Class D and/or Class E units.
- (b) A person holding a permit for a Class D or Class E mobile food vending unit who requests approval from the Department for use of a facility other than a commissary shall identify the location of such facility, and provide the Department with the individual or business name, address, telephone number(s), and e-mail contact information, if available, for the owner of the facility. The owner of the facility, or the permittee, if the permittee is the owner of the property where the facility is located, shall certify to the Department that the facility complies with all of the following

conditions:

- (1) The facility is not used to store or discard food.
- (2) The facility is constructed of materials whose surfaces are easily cleanable, non-toxic, non-absorbent and smooth and designed to protect the mobile food vending unit at all times from environmental contamination.
- (3) The facility is adequately lighted; equipped with potable hot and cold running water and drainage for liquid wastes; provides adequate space and facilities for cleaning and storing the unit; and is located entirely on private property.
- (4) The facility has all required permits other than a commissary permit and its use complies with all applicable fire safety, zoning and building laws. At the request of the Department, the user shall provide copies of any required permits.
- (5) No more than four Class D and/or Class E mobile food vending units are serviced at the facility.
- (6) Any mobile food vending units stored in the facility and the facility must be kept in a sanitary condition.
- (7) No units may be cleaned on public streets or sidewalks.
- (8) No live animals shall be kept or allowed within any storage or cleaning facility.
- (9) Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use, and removed from the unit and disposed of at a commissary or other approved facility so as not to create a nuisance in accordance with Health Code §89.25.

§6-09 Manufacturer or exclusive distributor lease agreements.

- (a) "*Lease*" or "*Lease agreement*" submitted for Department approval pursuant to Administrative Code §17-314.1(d)(2), as used in this section, means a written agreement between an exclusive distributor or a manufacturer (lessor) holding more than one temporary mobile food unit permit and a mobile food vendor licensee (lessee). The agreement is for the transfer, for a stated period of time and for a fixed amount as set forth in such written agreement, the possession of a mobile food unit owned by such exclusive distributor or manufacturer with such exclusive distributor's or manufacturer's temporary mobile food unit permit attached to the mobile food unit.
- (b) All lease agreements involving the leasing of multiple temporary mobile food unit pushcarts and food trucks by manufacturers and exclusive distributors and licensed mobile food vendors that are submitted to the Department for review and approval pursuant to §17-314.1(d)(2) of the Administrative Code must contain a rider to such lease agreements, in a form provided or approved by the Department, that is dated and signed by both parties. The department will maintain copies of an approved lease agreement form on its website and make copies available to any person on request.
- (c) The provisions of §17-314.1(d)(2) of the Administrative Code and this section apply to only the manufacturers and exclusive distributors of food products who held multiple temporary or seasonal permits prior to 1995, were authorized to renew up to 60 of those multiple temporary permits, and were exempted from application of Administrative Code §17-307(b)(2)(f), that provides that a person (an individual or

any other entity) may renew or obtain only one permit.

§6-10 Violations.

- (a) *“A” violations defined.* For the purposes of mobile vending permit or license renewal, or issuance of a new license or permit, “A” violations are all violations of the Health Code, the State Sanitary Code, these rules and the violations of the Administrative Code listed in subdivision (d) of this section where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default.
- (b) *“A” violation penalties to be paid.* Every person renewing a mobile food vending license or a mobile food unit permit, or applying for a new mobile food vending license or mobile food unit permit shall pay all fines and penalties for all “A” violations as defined by subdivision (b) of this section that have been adjudicated, or for which the licensee, permittee or applicant for a license or permit has been found in default. Proof of payment of all such fines and penalties must be submitted prior to issuance of a new or renewal license or permit, notwithstanding the provisions of New York City Charter §1049-a (d)(1)(i).
- (c) *Basis for revocation, suspension, or denial of new or renewal permit or license.* The Commissioner may refuse to issue a mobile food vending license or a mobile food unit permit and may, after due notice and an opportunity to be heard, in addition to any other penalties, refuse to renew, suspend or revoke such a license or permit. Such action may be taken when the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees (i) have been found to be in violation of four or more of the provisions of subchapter 2 of chapter 3 of title 17 of the Administrative Code that are classified as “A” violations in subdivision (d) of this section within a two-year period, (ii) have been found to be in violation of any of the provisions of part fourteen of the State Sanitary Code or of the Health Code, or (iii) the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have pending any unanswered summonses for a violation of a provision of subchapter 2 of Chapter 3 of Title 17 of the Administrative Code that is classified as an “A” violation in subdivision (d) of this section.
- (d) *Administrative Code “A” violations.* For the purposes of revocation or suspension of mobile food vending permits or licenses, or of determining whether such permits or licenses may be renewed or new licenses and permits issued, “A” violations mean violations of the following provisions of subchapter 2 (“Food Vendors”) of Chapter 3 (“Licenses and Permits”) of Title 17 of the Administrative Code or successor provisions, as listed below in §6-10 Table 1, where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default:

§6-10 Table 1. Administrative Code “A” Violations

Section	Description
§17-307(a)	Unlicensed mobile food vendor.
§17-307(b)	Unpermitted mobile food unit.
§17-307(d)	Vending unapproved items.

§17-311	Failure to display mobile food vending license, mobile food vending unit permit, or mobile food vending unit decal, plate or insignia.
§17-314(a)	Failure to permit regular inspections.
§17-314(b)	Failure to give supplier/depot/commissary information.
§17-314(c)	Sale of unauthorized foods without written approval.
§17-314.1	Sale, loan, lease or transfer of license, permit or decal, plate or insignia.
§17-315(a)	Vendor on sidewalk that allows less than 12 feet as pedestrian path; or unit not at, or abutting curb.
§17-315(e)	Vendor within bus stop, within 10 feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

(e) Permittees liable for mobile food vending unit operation; service of notices of violation. In accordance with Health Code §§5.13 and 89.13, permittees are jointly and severally liable for violations of the Health Code, the State Sanitary Code, the Administrative Code and any other applicable law that occur in the course of operation of mobile food vending units bearing their permits. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of business of the permittee, for the purpose of service of any notice of violation issued to the permittee by the Department. The notice of violation may also be issued by any other agency of the City authorized to issue notices of violation in the course of enforcement of any law applicable to mobile food vending. If, in the course of operation of a mobile food vending unit, a person other than the permittee is served with such notice of violation or order issued to the permittee, the person other than the permittee shall deliver the notice of violation or order to the permittee within two business days of receiving such notice of violation, and the Department or other agency issuing the notice of violation shall mail such notice of violation to the permittee by first class mail, maintaining and submitting a record of the mailing to the Environmental Control Board as proof of service.

§6-11 Inspections; permit issuance and renewal.

No unit shall be approved for use and no permit shall be issued unless such unit has passed a pre-permit inspection by the Department and found to be constructed and equipped in compliance with this Chapter and Article 81 and Article 89 of the Health Code; and the permit-holder or permit applicant has submitted proof acceptable to the Department that the unit is services and stored by a commissary or other approved facility.

(a) *Renewal applications to be submitted timely.* An application for renewal of any permit shall not be accepted unless the applicant submits a complete renewal application and proof of payment of all fines and penalties owing for notices of violation as required by §17-317(b) of the Administrative Code and §6-10 of this Chapter, no later than thirty (30) days before the date of expiration of the permit. The Department may accept a late renewal application only if the applicant submits proof that may be verified by the Department that the delay in submission of the completed application

and such proof of payment resulted because of delays in issuing such proof of payment. In such cases, the permittee must show that payment of all fines and penalties owing for notices of violation as required by § 17-317(b) of the Administrative Code and § 6-10 of this Chapter was submitted at least sixty (60) days before the date of renewal of the permit.

- (b) *Inspections to be scheduled timely.* In accordance with §17-307(e) of the Administrative Code, a new or renewal permit shall not be issued if the applicant's mobile food vending unit fails to pass a pre-permit inspection by the Department within six (6) months after the permit application has been certified or accepted by the Department. The Department may conduct such an inspection more than six (6) months after the application has been submitted only if Department records indicate that the Department caused the delay in scheduling the inspection.
- (c) *Permit holder photographs.* All individual applicants for a new or renewed permit, and persons who require a replacement or substitute permit or decal for a mobile food vending unit, shall personally appear at a location designated by the Department so that a current identifying photograph may be taken.
- (d) *Pre permit inspections.* Permit applicants or permittees must bring the mobile food vending unit in for inspection, at a place designated by the Department, and present
 - (i) a currently valid mobile food vendor's license, and
 - (ii) another government issued photo identification acceptable to the Department in the following circumstances:
 - (1) Before the issuance of a new or renewed mobile food vending permit and decal;
 - (2) When a permittee seeks to replace a mobile food vending unit with another unit;
 - (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
 - (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
 - (5) When any permit decal has been removed.
- (e) *Applicants other than natural persons.* If an entity other than a natural person is an applicant or permittee, such as a corporation or limited liability company, the person who brings a mobile food vending unit in for inspection on behalf of such entity must be a person authorized by law to accept service of process on behalf of such entity pursuant to Article 3 of the New York CPLR. Such persons may include an officer, director or managing agent of a corporation; a partner of a partnership or limited partnership; or a member of a limited liability company. No other person may bring any mobile food vending unit to the Department for the non-operational inspections required by this section.
- (f) *Identifying operators of mobile food vending units.* The applicant for a new or renewal permit must (1) complete a form provided by the Department listing the name(s), address(es), telephone number(s) and the currently valid mobile food vending unit license number(s) of each person who will be operating the mobile food vending unit, and (2) provide a statement describing the legal relationship of such person to the permit holder, in accordance with §17-309(b)(1) of the Administrative Code. The completed form shall be signed and notarized by the permit applicant.

- (g) *Service contract or agreement from a commissary or other approved facility.* At the pre-permit inspection, the permittee or permit applicant must provide an original agreement or contract signed by a commissary operator, or a person in charge of a facility other than a commissary that provides services to no more than four Class D or Class E units that are not food trucks, or one Class D or Class E food truck, indicating the specific goods and services provided for the permittee's mobile food vending unit. The permittee must maintain a copy of such agreement on the mobile food vending unit at all times of operation and make it available for inspection by the Department. Such goods and services must include, but are not be limited to:
- (1) Storage of the unit and foods.
 - (2) Cleaning and sanitizing of the unit, equipment and utensils.
 - (3) Disposing of liquid and solid waste and refuse generated by operation of a unit.
 - (4) Amount of potable water supplied.
 - (5) Foods provided, including those prepared at the commissary and prepackaged; and name of person preparing foods.
 - (6) Non-food supplies provided by the commissary.
- (h) *Inspection of damaged, repaired or materially altered mobile food vending units.* A pre-permit inspection is required when a mobile food vending unit materially altered as defined by Article 89 of the Health Code.
- (i) *Decals.* No decal may be placed on any mobile food vending unit unless a Department inspector has determined at a pre-permit inspection that the unit is constructed and equipped in accordance with this Chapter, and that the person renewing or applying for a permit has completed and submitted all forms required by this section.
- (j) *Units to be photographed.* The Department may take photographs of mobile food units at any time, so that the Department may verify that the unit has passed a pre-permit inspection.
- (k) *Notification of changes in operations.* Permittees must notify the Department, in writing, on forms approved or provided by the Department, no later than ten business days after there has been a change in:
- (1) Persons operating each unit as indicated on the form described in Section 6-12(c) of these Rules, or
 - (2) *Commissary used.* Permittees must provide a copy of an agreement from the new commissary with such notice.
- (l) *Enforcement.* The commissioner may refuse to issue a new or renewal permit for:
- (1) Failing to allow photographs of the permittee or the unit.
 - (2) Failing to appear in person for pre-permit inspections of a mobile food vending unit.
 - (3) Failing to provide information about the operators of the units or foods sold on the unit, or
 - (4) Failing to maintain and submit an agreement with a commissary.
 - (5) Failing to bring the mobile food vending unit to a place designated by the Department to post a letter grade or to install, replace or maintain a location

sharing device to the unit.

- (6) Removing, disposing tampering with or modifying the letter grade posted to a mobile food vending unit or a location sharing device installed to the unit.

§6-12 Records of commissaries and other approved facilities.

Commissaries and other approved facilities providing services to four or fewer Class D or Class E units that are not food trucks, or one Class D or Class E food truck, shall keep records in a daily log, in a form provided or approved by the Department, documenting the daily use of commissary services and facilities by mobile food vendors in accordance with §89.27 (b) of the Health Code. The log must indicate the date and time of day each unit is brought in and leaves the commissary.

§6-13 Disabled veterans mobile food unit vending permits.

Disabled veterans who hold currently valid specialized vendor licenses issued pursuant to General Business Law §35-a, and mobile food vending licenses issued by the Commissioner may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

- (a) An applicant for a permit issued pursuant to this section may not hold any other currently valid mobile food vending unit permit, and only one such permit may be issued to any applicant.
- (b) In accordance with General Business Law §35-a, such permit authorizes vending only on sidewalks surrounding park lands.
- (c) Operation of the mobile vending unit is subject to all provisions of General Business Law §35-a.
- (d) During all times that a mobile food vending unit issued a permit under this section is in operation, as the term “operation” is defined in Health Code §89.03 (j) or successor provision, a disabled veteran shall be present, but may be assisted by an employee who is a licensed mobile food vendor. Department inspection reports which note the absence of a disabled veteran licensee are deemed proof that a disabled veteran is not operating the unit, in violation of General Business Law §35-a.

§6-14 Government agency and charitable organization exemptions.

In accordance with §17-320 (a) of the Administrative Code, the Commissioner may exempt any area within the control of a government agency or charitable organization from provisions of Title 17 of the Administrative Code that limit the total number of full-term or temporary mobile food vending permits that may be issued, or the number of permits that may be issued to any one person. The Commissioner may make this exemption provided that (i) the request for issuance is made in writing by the agency or organization and (ii) permittees comply with all other applicable provisions, limitations and conditions imposed by the New York City Administrative Code, the Health Code, the State Sanitary Code and these rules.

§6-15 Modification.

When the strict applicability of any provision of this Chapter presents practical difficulties or unusual or unreasonable hardships, the Department, in a specific instance, may modify the application of such provision consistent with the general purpose of this Chapter and upon such conditions as are deemed necessary.

§6-16 Scoring mobile food vending unit inspections.

The Department shall, when conducting a sanitary inspection, assess points only for those violations, violation conditions and condition levels listed in Appendix 6-A (Self-Inspection Worksheet for Mobile Food Vending Units (MFVU)) and Appendix 6-B (Mobile Food Vending Unit (MFVU) Inspection Scoring Parameters: A Guide to Conditions) to this Chapter. Terms used in these appendices and not otherwise defined in this Chapter shall have the same meaning as defined in Articles 81 and 89 of the Health Code.

§6-17 Letter grading.

- (a) The Department, whenever practicable, shall conduct an inspection at least annually of each mobile food vending unit for the purpose of issuing such unit a letter grade. Based on the results of either the initial inspection or reinspection within an inspection cycle, a mobile food vending unit shall be graded as either “A,” “B,” or “C” for that inspection cycle, except that a unit shall not receive any grade if the Department orders that it be closed.
- (b) The Department shall issue a letter grade of “A” to any unit that receives fewer than 14 points on either the initial inspection or reinspection within an inspection cycle.
- (c) The Department shall not issue a letter grade to any mobile food vending unit receiving 14 or more points on an initial inspection but shall schedule a reinspection to occur no sooner than seven days after the initial inspection. The Department shall on the reinspection issue a grade of “B” to any unit receiving 14-27 points and a letter grade of “C” to any unit receiving 28 or more points.
- (d) In addition to conducting an initial and any reinspection for the purpose of issuing a unit a letter grade, the Department may, in any inspection cycle, also conduct a compliance inspection after any inspection that results in a score of 28 points or more. The score received on any compliance inspection shall not change a unit’s letter grade for that inspection cycle.

§6-18 Intervals between inspection cycles.

- (a) The time between a completed cycle and the initial inspection in the next inspection cycle for a unit that receives 14 or more points on its initial inspection shall be determined by the higher score from either its initial inspection or its reinspection.
 - (1) An initial inspection commencing a new cycle shall be conducted approximately one year after issuance of an “A” grade to a unit that received less than 14 points on its initial inspection in the previous cycle.
 - (2) An initial inspection commencing a new inspection cycle shall be conducted 150-210 days after the reinspection of any unit that receives a score of 14-27

- points on an initial inspection or reinspection and does not score 28 or more points on either of these inspections.
- (3) An initial inspection commencing a new inspection cycle shall be conducted 90 to 150 days after the final inspection of the cycle of a unit that receives a score of 28 or more points on its initial inspection or reinspection.
 - (4) An initial inspection commencing a new inspection cycle shall be conducted within 60 to 120 days of reopening for a unit that is authorized by the Department to reopen following a Department closure that occurs on an initial or reinspection of that unit.
- (b) When there is an increased risk to public health as determined by the Department, nothing in these rules shall prevent the Department from inspecting a unit and treating that inspection as the initial inspection in a new inspection cycle. Such circumstances include, but are not limited to, a unit having a history of Department closure(s), being the subject of complaints of unsanitary conditions, or being compromised following an environmental emergency.
 - (c) Notwithstanding the provisions of this section, a new inspection cycle shall commence whenever:
 - (1) A mobile food vending unit changes from a pushcart to a vehicle or from a vehicle to a pushcart, as such terms are defined in Article 89 of the Health Code.
 - (2) A new decal is issued because there has been a change in the permit classification as described in section 6-03.

§6-19 Posting letter grades.

A mobile food vending unit must have a letter grade posted at all times, as required by these rules.

- (a) The Department shall at the time of inspection issue and post a letter grade “A” on a unit that receives a score of less than 14 points on an initial or reinspection.
- (b) If a mobile food vending unit receives a score of 14 or more points on an initial inspection, and is not closed by the Department, it shall continue to post its grade from the prior inspection cycle until its reinspection. If the unit has been issued no prior grade card, it shall have no posting until its reinspection.
- (c) If a mobile food vending unit receives a score of 14 or more points on the reinspection, and is not closed by the Department, the Department shall post on the unit a “grade pending” card. If the permit-holder elects to have the grade of “B” or “C” earned at the reinspection posted to the unit instead of a “grade pending” card, the permit-holder may contact the Department to arrange for the unit to be brought to a place designated by the Department so the Department may post the preliminary grade.
- (d) *Grading after adjudication of summonses.* Where a unit scores 14 or more points on a reinspection and was issued one or more summons for findings made at that inspection, the following shall apply:
 - (1) Except as described in paragraph (2) of this subdivision, within 42 days of the

reinspection date that generated the summons, the permit-holder shall contact the Department to arrange for the posting of the final letter grade for that inspection cycle.

- (2) If the permit-holder adjudicates all summonses associated with the reinspection on or before the hearing date listed on those summonses but has not received hearing decisions within 42 days from the time of reinspection, the permit-holder may continue to post a “grade pending” card until hearing decisions are issued. In this instance, the permit-holder shall have five (5) days from the date of decision to contact the Department to arrange for posting of the final letter grade for that inspection cycle.
- (3) It shall be the duty of the permit-holder to check the status of summons and comply with the timeframes of this section for the posting of letter grades.

§6-20 Position of grade cards on mobile food vending units; tampering prohibited.

- (a) The Department shall post a letter grade or “grade pending” card on the mobile food vending unit on top of the decal or any other place determined by the Department.
- (b) A mobile food vending unit shall not dispose of, remove, tamper with, obscure or modify the letter grade card.

§6-21 Location sharing.

- (a) The Department will provide and install a location sharing device on each mobile food vending unit that is required to be permitted by the Department to vend food. The Department may alter the mobile food vending unit to the extent necessary to install such device on the unit.
- (b) A location sharing device shall remain the property of the Department. After the Department installs the device, the mobile food vending unit shall operate with the device installed on the unit at all times.
- (c) The Department shall install the initial location sharing device at a pre-permit inspection. No person other than the Department shall attempt to or actually remove, dispose of, obstruct, tamper with, or modify a location sharing device. Removing, disposing of, or tampering with, or in any way interfering with the operation of the location sharing device shall be grounds to revoke a mobile food vending permit or license or both.
- (d) In the event the Department determines that the location sharing device on a mobile food vending unit is not functioning, it may issue a written order to the permit holder to bring the unit to a location designated by the Department. Upon receiving such an order, a permit holder must bring the unit to the designated location within five (5) days unless otherwise instructed by the Department.
- (e) The Department shall use the data obtained from a location sharing device only to locate a unit for the purposes of enforcing the provisions of this Chapter, the State Sanitary Code, the Health Code, the Administrative Code, Public Health Law, other Rule of the City of New York, or as otherwise required by a lawful order of a court with proper jurisdiction.

- (f) The device may not continuously track the location of the unit on which it is installed and may only be used to locate a unit at a specific moment in time.
- (g) Each location sharing device that is installed on a mobile food vending unit shall have a unique identifier that shall not be the same number as the mobile food vending unit permit, license or decal.
- (h) Only employees or agents of the Department who are authorized to enforce the laws and rules described in subdivision (e) of this section shall have access to the data gathered by a location sharing device, and the Department may not disclose such data to any other person, except as required by a lawful order of a court with proper jurisdiction.
- (i) Any data gathered by a location sharing device shall be maintained by the Department for no more than 24 hours and shall be transmitted and maintained as confidential information in a secure manner.

§6-22 Supervisory license and associated permit.

- (a) *Initial establishment of supervisory license waiting lists for supervisory licenses designated for citywide use and for use in boroughs outside of Manhattan.*
 - (1) *Establishment of waiting lists.* The Department will establish two waiting lists – one for supervisory licenses designated for citywide use and one for supervisory licenses designated for use in boroughs outside of Manhattan -- of persons eligible to receive supervisory license applications made available pursuant to Administrative Code § 17-307(b)(5)(b).
 - (2) *Eligibility for waiting lists.* Persons listed on a Former FTP Waiting List are eligible for inclusion on a supervisory license waiting list established pursuant to this subdivision, except for persons whose full-term or temporary permit was revoked or suspended and persons who the Department determines are not fit to operate a mobile food vending business.
 - (3) *No limitation on number of positions on waiting lists.* There is no limitation on the number of positions on the waiting lists established pursuant to this subdivision.
 - (4) *One supervisory license waiting list position per person.* For the establishment of the initial waiting lists, eligible waiting list applicants must choose to join one or neither waiting list. A person who applies for waiting lists for both supervisory licenses, or who fails to respond to the application notice, will be added only to the waiting list for licenses designated for use in boroughs outside of Manhattan. A person who indicates on the application form that they do not wish to join either waiting list will be considered to have forfeited their application.
 - (5) *Notice of establishment of waiting list.* At least thirty (30) days prior to the establishment of a waiting list pursuant to this subdivision, notice of the opportunity to apply to be on a waiting list will be given by mail or, for individuals who have opted into electronic notifications, by electronic means, to all eligible persons as described in this subdivision.
 - (6) *Application for waiting list position.* The Department will make available mail-in procedures to allow persons to apply for a place on a waiting list or to decline to be placed on a waiting list established pursuant to this subdivision. The application must be postmarked by the date specified in the notice published pursuant to paragraph 5 of this subdivision. The Department will notify persons assigned a position on the list in writing sent either to the mailing address or, for

persons who opted into receiving electronic notifications, to the electronic contact information provided in their waiting list applications.

(7) *Order in waiting lists.*

(A) The Department will order all persons on the waiting lists in accordance with the preference categories set forth in Administrative Code § 17-307(b)(5)(d), defining “continuously licensed vendors” as persons who the Department determined did not hold a valid full-term mobile food vending permit as of January 1, 2022 and who: (i) held a valid food vendor license on or before March 1, 2017, which license was still valid on February 28, 2021; or (ii) held a valid food vendor license before March 1, 2017 and whose renewal application for such license was pending as of March 1, 2017 and who had otherwise fulfilled all requirements to renew such license, which was still valid on February 28, 2021.

(B) Within each preference category, the Department will order persons by their position on the waiting list in ascending order of waiting list number on a Former FTP Waiting List, and by ascending order of mobile food vendor license number in the case of ties that result from persons with the same on different Former FTP Waiting Lists.

(C) If a person holds more than one position on Former FTP Waiting Lists, the Department will assign to that person the single highest position held.

(b) *Supervisory license waiting list for veterans and persons with a disability.*

(1) *Establishment of waiting list.* The Department will establish one supervisory license waiting list that contains the three preference categories established by Administrative Code § 17-307(b)(3)(b) -- veterans with a disability, persons with a disability, and veterans.

(2) *Limitation on number of positions on waiting list and within each category.* The waiting list created pursuant to paragraph 1 of this subdivision will be limited to one hundred (100) positions per preference category described in such paragraph for a total of three hundred (300) positions. A person who applies for or qualifies to be included in more than one category will be eligible for only one position on the list and will be assigned the highest priority for which they are eligible.

(3) *Notice of establishment of waiting list.* At least forty-five (45) days prior to the establishment of the waiting list created pursuant to this subdivision, notice of the opportunity to apply to be on such waiting list will be made by publication in the City Record, and by mail or, for individuals who have opted into electronic notifications, by electronic means, to all persons holding mobile food vendor licenses. The maximum number of positions on such waiting list will be indicated in the notice.

(4) *Application for waiting list position.* The Department will make available mail-in and electronic communication procedures to allow persons to apply for a place on the waiting list established pursuant to this subdivision. Persons requesting a place on such waiting list must submit an application that contains the applicant’s license number and applicable preference category. The application must be submitted by mail or electronic means by the time specified in the notice published pursuant to paragraph 3 of this subdivision.

(5) *Order in waiting list.* Applicants who meet the eligibility criteria, including but not limited to licensure and inclusion in a preference category described in paragraph 1 of this subdivision, will be included in a random selection and ordering that results in the addition to the waiting list established by such paragraph of up to as

many applicants as spaces available. The Department will notify persons added to such list of their position in writing sent to the mailing address or, for persons who opted into receiving electronic notifications, the electronic contact information provided in their waiting list applications. Order among preference categories is as provided by law.

(c) *Notification of change of contact information.* Each person on a supervisory license waiting list must notify the Department of any change of address or, for persons who opted into receiving electronic notifications, change of electronic contact information within ten days of such change. Failure to provide change of address or electronic contact information may result in the loss of a person's supervisory license waiting list position. Any person who fails to timely provide the Department with a change of address or electronic contact information, as applicable, and consequently does not respond to a notice from the Department sent to their address electronic contact information of record as known to the Department through mobile food vendor license records will be deemed to have abandoned their place on the supervisory license waiting list.

(d) *Eligibility for supervisory license.*

(1) *Eligibility to receive application.* Only persons who are on a supervisory license waiting list are eligible to receive a supervisory license application.

(2) *Eligibility to receive license.* Only persons who hold an active food vendor license are eligible for a supervisory license.

(3) *Conversion or forfeiture of certain permits required.* Any person who holds a mobile food vending permit, other than a restricted area permit, must convert such permit to a supervisory license-associated permit no more than two hundred seventy (270) days after obtaining a supervisory license or on the expiration date of such previously-held permit, whichever is sooner, or forfeit such previously-held permit.

(e) *Number of supervisory license applications.*

(1) *Citywide.* In each 12-month period for ten consecutive years beginning July 1, 2022, the Department will make available 100 applications for a supervisory license designated for citywide use, which license allows the holder to apply for a supervisory license-associated permit designated for use in any borough.

(2) *Borough outside of Manhattan.* In each 12-month period for ten consecutive years beginning July 1, 2022, the Department will make available 300 applications for a supervisory license designated for use in boroughs outside of Manhattan, which license allows the holder to apply for a supervisory license-associated permit designated for use in boroughs outside of Manhattan.

(3) *Supervisory licenses for persons with a disability or veterans.* In each 12-month period for 10 consecutive years beginning July 1, 2022, the Department will make available to veterans with a disability, persons with a disability or veterans 45 applications for a supervisory license that allows the holder to apply for a supervisory license-associated permit designated for use in any borough.

(4) *Additional licenses available due to expired, surrendered or revoked legacy permits.* The Department may issue additional supervisory license applications in an amount equal to the number of legacy permits that have expired or are surrendered or revoked. Citywide legacy permits and borough-specific legacy permits will correspond to supervisory licenses designated for citywide use and for use in boroughs outside of Manhattan, respectively.

(f) *Applying for and maintaining supervisory license.*

(1) *Applications.* The Department will mail or, for persons who opted into receiving

electronic notifications, send by electronic means, to each person whose waiting list number is reached, a notice of eligibility to apply and a supervisory license application form.

- (2) *Complete and timely application required.* Within ninety (90) days of the postmark date or, for persons who opted into receiving electronic notifications, the electronic transmission date of the Department's notice and application form for a supervisory license, the notified person must mail or transmit by electronic means a completed application with payment of applicable fees in order to remain eligible for the license. An application must be postmarked or electronically transmitted within such time period to be considered timely.
- (3) *Abandonment of application.* The failure of an eligible applicant to timely complete the supervisory license application process, including for failure to maintain with the Department their current mailing address or, for those who opted into receiving electronic notifications, electronic contact information, will be deemed an abandonment of the application and result in the forfeiture of the person's supervisory license waiting list position.
- (4) *Term.* Unless it is suspended or revoked by the Commissioner, a supervisory license is valid for two years from the date of its issuance or renewal, except that the first issuance of a supervisory license to a licensed vendor is valid for the remaining term of such vendor's food vendor license.
- (5) *Abandoned unless timely renewed.* The failure of a supervisory license holder to renew such license before its expiration, including due to failure to maintain with the Department their current mailing address or, for those who opted into receiving electronic notifications, electronic contact information, will be deemed an abandonment and forfeiture of the supervisory license. Abandonment and forfeiture of the supervisory license will automatically void the supervisory license holder's supervisory license-associated permit if they hold one. A person who fails to timely renew their supervisory license may apply for or renew their non-supervisory food vendor license at any time.

(g) *Supervisory license-associated permits; term; renewal; notification.*

- (1) *Supervisory license required.* Beginning July 1, 2022, only the holder of a supervisory license may apply for a new mobile food vending permit, except that a supervisory license is not required to apply for the following permit types: (i) green carts; (ii) temporary/seasonal permits; (iii) restricted area permits; or (iv) permits issued to veterans with a disability with a specialized vendor license. Beginning July 1, 2032, all mobile food vending permits must be associated with a supervisory license except for the permit types listed above in this paragraph.
- (2) *Applications.* The Department will mail to each supervisory license holder a supervisory license-associated permit application form to the mailing address maintained in the Department's mobile food vendor license records.
- (3) *Term.* A supervisory license-associated permit is valid for two years from the date of its issuance unless suspended or revoked by the Commissioner. In the event the supervisory license-associated permit expires or is voluntarily surrendered to the Department, the holder may retain the supervisory license and may re-apply for a supervisory license-associated permit at a later time.
- (4) *No vending without supervisory license holder.* At least one supervisory license holder authorized to vend in the geographic area where the mobile food vending unit is operating must be present and vending on the unit.
- (5) *When to apply.* A supervisory license holder may apply for a supervisory license-

associated permit at any time while their supervisory license is unexpired and not suspended.

(h) *Effect of license or permit revocation or suspension.*

(1) *Revocation of supervisory license.* The revocation of a supervisory license will by operation of law void any supervisory license-associated permit held by the supervisory license holder.

(2) *Revocation of permit.* The revocation of a supervisory license-associated permit will by operation of law void the supervisory license associated with such revoked permit.

(3) *Suspension of license or permit.* The suspension of a supervisory license or a supervisory license-associated permit will suspend the other for the same duration and may be subject to the same terms and conditions for lifting of the suspension.

(i) *Fees.*

(1) *Supervisory license.* The biennial fee for a supervisory license is \$438.

(2) *Fee waiver for veterans.* Veterans are exempt from the supervisory license fee.

(3) *Supervisory license-associated permit.* The fee for a supervisory license-associated permit to maintain or operate a processing or non-processing mobile food vending unit will be the same as the fee set forth in section 5.07 of Article 5 of the New York City Health Code.

§6-23 Submitting proof of correction for eligible first-time violations.

(a) Submission of proof of correction must be in writing in a form approved or provided by the Department.

(b) The proof must be submitted to the Department electronically or in person within seven (7) calendar days of the date the violation was issued as recorded on the summons.

(c) The proof must be affirmed by the permittee or their authorized representative that it is complete and accurate to the best of such person's knowledge.

(d) Submission of any false statements in support of a proof of correction may be subject to penalties prescribed for violations of Health Code § 3.19 and other applicable law.

(e) A permittee whose first-time violation is pending at OATH for adjudication is not eligible to submit a proof of correction for a subsequent identical violation.

§6-24 Acceptance of proof of correction for eligible first-time violations.

(a) The Department must accept proof of correction if it determines that the proof is adequately documented and submitted timely in accordance with § 7-10 of this Chapter. Acceptance of proof of correction constitutes a cure and an admission of the violation for all purposes, except as provided in subdivision (b) of this section.

(b) A first-time violation whose proof of correction has been accepted by the Department will not be subject to a civil penalty.

(c) The determination of whether a violation is a first-time violation shall be based solely on the records of the Department.

(d) The Department may require further documentation in addition to the proof of correction and may inspect the establishment or take any other action as it deems necessary before acceptance or rejection of such proof.

(e) Nothing in this Chapter limits the authority of the Department to conduct other inspections or take any other action it deems necessary to enforce any provision of law within the jurisdiction of the Department.

APPENDIX 6-A: SELF-INSPECTION WORKSHEET FOR MOBILE FOOD VENDING UNITS (MFVU)

Critical Violations	Conditions					Score																		
	I	II	III	IV	V																			
Time and Temperature Control for Safety (TCS) Food Temperature																								
2A* Food not cooked to required minimum internal temperature: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="text-align: left;">Food</th> <th style="text-align: left;">Required Minimum Internal Temperature at or above:</th> </tr> </thead> <tbody> <tr> <td>Poultry, poultry parts, ground and comminuted poultry, all stuffing containing poultry, meats, fish or ratites</td> <td>165° F for 15 seconds with no interruption of the cooking process</td> </tr> <tr> <td>Ground meat, and food containing ground and comminuted meat</td> <td>158° F with no interruption of the cooking process, except per individual customer request</td> </tr> <tr> <td>Pork, any food containing pork</td> <td>150° F for 15 seconds</td> </tr> <tr> <td>Mechanically tenderized or injected meats</td> <td>155°F</td> </tr> <tr> <td>Whole meat roasts and beef steak</td> <td>Required temperature and time listed in 81.09(c)(3), except per individual customer request</td> </tr> <tr> <td>Raw animal foods cooked in microwave</td> <td>165° F, covered, rotated or stirred for 2 minutes</td> </tr> <tr> <td>Shell eggs</td> <td>145° F for 15 seconds, except per individual customer request</td> </tr> <tr> <td>All other foods</td> <td>140° F for 15 seconds</td> </tr> </tbody> </table>	Food	Required Minimum Internal Temperature at or above:	Poultry, poultry parts, ground and comminuted poultry, all stuffing containing poultry, meats, fish or ratites	165° F for 15 seconds with no interruption of the cooking process	Ground meat, and food containing ground and comminuted meat	158° F with no interruption of the cooking process, except per individual customer request	Pork, any food containing pork	150° F for 15 seconds	Mechanically tenderized or injected meats	155°F	Whole meat roasts and beef steak	Required temperature and time listed in 81.09(c)(3), except per individual customer request	Raw animal foods cooked in microwave	165° F, covered, rotated or stirred for 2 minutes	Shell eggs	145° F for 15 seconds, except per individual customer request	All other foods	140° F for 15 seconds	-	-	-	10	28	
Food	Required Minimum Internal Temperature at or above:																							
Poultry, poultry parts, ground and comminuted poultry, all stuffing containing poultry, meats, fish or ratites	165° F for 15 seconds with no interruption of the cooking process																							
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Whole meat roasts and beef steak	Required temperature and time listed in 81.09(c)(3), except per individual customer request																							
Raw animal foods cooked in microwave	165° F, covered, rotated or stirred for 2 minutes																							
Shell eggs	145° F for 15 seconds, except per individual customer request																							
All other foods	140° F for 15 seconds																							
2B* Hot TCS food item not held at or above 140° F.	7	8	9	10	28																			
2C Hot TCS food item that has been cooked and cooled is being held for service without first being reheated to 165° F or above for 15 seconds within 2 hours.	5	6	7	8	-																			
2D Precooked TCS food in hermetically sealed and intact packages from commercial food processing and non-retail processing establishments not heated to 140° F within 2 hours.	5	6	7	8	-																			
2E Whole frozen poultry or poultry breasts, other than a single portion cooked frozen or partially thawed.	5	6	-	-	-																			
2F Meat, fish, poultry or eggs served or offered raw or undercooked without written consumer advisory.	5	-	-	-	-																			
2G* Cold TCS food item held above 41° F, processed fish above 38° F or intact raw eggs above 45° F. Applies except during necessary preparation.	7	8	9	10	28																			
2H* After cooking or removal from hot holding, TCS food not cooled by an approved method whereby the internal temperature is reduced from 140° F to 70° F or less within 2 hours, and from 70° F to 41° F or less within 4 additional hours.	7	8	9	10	28																			
2I TCS food removed from cold holding or prepared from or combined with ingredients at room temperature not cooled by an approved method to 41° F or below within 4 hours.	5	6	7	8	-																			
Food Source																								
3A* Food from unapproved or unknown source or home canned or home prepared. Live animal slaughtered and/or raw meat processed into smaller cuts or pieces in the MFVU.	-	-	-	10	28																			

3B*	Commercially manufactured, or processed shellfish not from approved source, or improperly tagged/labeled; tags not retained for 90 days on MFVU.	–	–	–	10	28	
3C*	Unclean or cracked whole eggs or unpasteurized liquid, frozen or powdered eggs kept or used.	7	8	9	10	28	
3D*	Food packages, canned food, hermetically sealed container not suitable for human consumption. Packages swollen, leaking or rusted, without “Do Not Use” label or not segregated from other consumable food items.	7	8	9	10	28	
3E*	No or inadequate potable water supply. Water or ice not potable or from unapproved source. Bottled water not NY state certified. Cross connection in potable water supply system.	–	–	–	10	28	
3F*	Unpasteurized milk or milk product (except certain aged cheese) served.	–	–	–	10	28	
3G	Raw fruit or vegetables not properly washed prior to cutting or serving.	5	6	7	8	–	
3H*	Raw meat, fish, or shellfish stored, prepared, served or sold on MFVU.	–	–	–	10	28	
3I*	Unpasteurized juice packaged and sealed on MFVU or commissary not labeled or label incomplete; no warning statement.	–	–	–	10	28	
Food Protection							
4B*	Food worker or vendor spits; prepares food or touches utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.	–	–	–	10	28	
4C*	Food worker or vendor does not use utensil or other barrier to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	7	8	9	10	28	
4D*	Food worker or vendor does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, or otherwise contaminating hands or does not change gloves when gloves are contaminated.	–	–	–	10	28	
4E*	Toxic chemicals or pesticides improperly labeled, stored or used such that food contamination may occur.	7	8	9	10	28	
4F*	Food preparation area, food storage area, or other area used by food worker or food vendor contaminated by sewage or liquid waste.	–	–	–	10	28	
4G*	Unprotected TCS food re-served.	–	–	–	10	28	
4H*	Raw, cooked or prepared food is adulterated, contaminated or cross-contaminated. Food exposed to contamination when containers stored in cooking water.	7	8	9	10	28	
4I	Unprotected non-TCS food re-served.	5	6	7	8	–	
4J	Properly calibrated thermometer or thermocouple not provided or not readily accessible in food preparation and hot/cold holding areas to measure temperatures of TCS foods during cooking, cooling, reheating and holding.	5	–	–	–	–	
4K	Evidence of rats or live rats in MFVU's food and/or non-food areas.	5	6	7	8	28	
4L	Evidence of mice or live mice in MFVU's food and/or non-food areas.	5	6	7	8	28	
4M	Live roaches in MFVU's food and/or non-food areas.	5	6	7	8	28	
4N	Filth flies or food/refuse/sewage associated (FRSA) flies or other nuisance pests in MFVU's food and/or non-food areas. FRSA flies include house flies, blow flies, bottle flies, flesh flies, drain flied, Phorid flies and fruit flies.	5	6	7	8	28	
4O	Live animal other than fish in tank or service animal present in MFVU food and/or non-food area.	5	6	7	8	–	

4P	Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.	–	–	–	10	28	
Facility Design and Construction							
5A*	Sewage disposal system is not provided, improper, inadequate or unapproved. Waste tank not provided with a readily accessible vented check valve.	–	–	–	10	28	
5B*	Harmful, noxious gas or vapor detected. Carbon Monoxide (CO) level at or exceeding nine (9) ppm.	–	–	–	10	28	
5C+	Food contact surface, refillable, reusable containers, or equipment improperly constructed, placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food. Potable water tank and plumbing improperly constructed or designed.	7	8	9	10	28	
5D+	No hand wash facility or hand wash facility not accessible, obstructed or used for non-hand washing purposes. No hot and cold running water or water at inadequate pressure. No soap or acceptable hand-drying device.	–	–	–	10	28	
5F+	Inadequate or no refrigerated or hot holding equipment to maintain Time/Temperature Control for Safety (TCS) foods at required temperatures.	–	–	–	10	28	
5H+	No facilities available to wash, rinse, and sanitize utensils or equipment. No approved written standard operating procedure for avoiding contamination by refillable returnable containers.	–	–	–	10	28	
5I	Signed original service contract or agreement with commissary or other approved facility not provided at pre-permit inspection; documents not kept on MFVU and made available for inspection.	–	–	–	10	28	
5J+	Construction and design inadequate. Overhead structure not provided or constructed. Food truck not provided with partition or self-closing door between the driver's seat and the food operations. Ice cream truck not equipped with operational warning beeper and signage arm. Tamper proof locks or other food security mechanism not provided. Potable water tank or hand wash sink tank capacity inadequate.	–	–	–	10	28	
Food Worker Hygiene and Other Food Protection							
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminate or not properly dressed; sleeveless garment or bare midriff worn. Effective hair restraint not worn when required. Jewelry worn on hands or arms, fingernail polish worn; or fingernails not kept clean and trimmed.	5	6	7	8	–	
6B	Tobacco or e-cigarette use, eating, or drinking from open container in food preparation or other area where food, equipment or utensils may be exposed to contamination.	5	6	7	8	–	
6C	Food, supplies or equipment not protected from potential source of contamination during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Condiments not in single-service containers or dispensed directly by the vendor.	5	6	7	8	–	
6D	Food contact surface not properly washed, rinsed and sanitized after any activity where contamination may have occurred.	5	6	7	8	–	
6E	Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.	5	6	7	8	–	
6F	Wiping cloths soiled or not stored in sanitizing solution; inadequately sanitized.	5	6	7	–	–	

6J	Refillable, reusable beverage container filled with TCS foods.	5	6	7	8	–	
6K*	MFVU left unattended longer than one-half hour.	–	–	–	–	28	
6L	Ice not stored until dispensed in the manufacturer's bag. Ice not obtained in chipped, crushed, or cubed form and in single-use food grade plastic or wet-strength paper bag sealed at the point of manufacture.	–	–	7	–	–	
Other Criticals							
7A	Duties of an officer of the Department interfered with or obstructed.	–	–	–	–	28	
Critical Violations Total:							
General Violations		Conditions					
		I	II	III	IV	V	
Garbage, Waste Disposal and Pest Management							
8A	Harborage or conditions conducive to attracting pests to the MFVU.	–	–	4	5	–	
8B	Garbage receptacles not pest or water resistant, or covered with tight-fitting lids, except while in active use. Garbage receptacles and covers not cleaned after emptying and prior to reuse. Garbage, refuse and other solid and liquid waste not collected, stored, removed and properly discarded.	2	–	–	–	–	
8C	Pesticide use not in accordance with label or applicable laws. Pesticides are unauthorized for use. Unprotected, unlocked bait station used. Toxic chemical or pesticide prohibited on MFVU.	2	3	4	5	28	
Food Protection							
9A	Cans of food with dented body damage not segregated from other cans for return to distributor.	2	3	4	5	–	
9B	Thawing procedures improper.	2	3	4	5	–	
9C	Food contact surface chipped, crack, worn or in a condition where it cannot be properly maintained or cleaned.	2	3	4	5	–	
9D	MFVU used as a dwelling, sleeping or for residential purposes.	–	–	–	–	28	
9E	"Wash hands" sign not posted at hand wash facility.	2	–	–	–	–	
Facility Maintenance							
10B	Back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.	2	3	4	5	28	
10C	Lighting inadequate; permanent lighting not provided in food preparation areas, ware washing areas, and storage areas. No shatterproof bulbs or shield to prevent broken glass from falling into food or onto surfaces.	2	3	4	5	–	
10D	Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke, and fumes.	2	3	4	5	–	
10E	Accurate thermometer not provided or properly located in cold or hot holding equipment.	2	3	4	5	–	

10F	Non-food contact surface or equipment made of unacceptable material, not kept clean, and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides above and underneath equipment or other structures.	2	3	4	5	–	
10G	Proper sanitization not used or provided for ware washing operation. No test kit.	–	–	–	5	–	
10H	Single service items not provided. Single service items reused, not protected from contamination when transported, stored or dispensed. Drinking straws not completely enclosed in wrapper or dispensed from a sanitary device.	2	3	4	5	–	
10I	Failure to clean unit at commissary or approved facility at least daily	–	–	–	–	28	
						General Violations Total:	
						Critical and General Combined Total:	

* Public Health Hazards (PHH) must be corrected immediately.

+ Pre-permit Serious Violations that must be corrected before permit is issued.

APPENDIX 6-B: MOBILE FOOD VENDING UNIT (MFVU) INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS.

	Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
Critical Violations						
2A*	Time and temperature control for safety (TCS) food not cooked to required minimum internal temperature.				Failure to properly cook one or more meats, comminuted meats, and other TCS foods, unless a consumer specifically asks for a serving of food ordered to be cooked below the minimum temperature.	Failure to correct any condition of a public health hazard (PHH) at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
2B*	Hot TCS food item not held at or above 140° F.	One hot food item out of temperature in one area. Example: one tray of fried chicken wings held at 115° F.	Two hot food items out of temperature or the same type of food out of temperature in two different areas. Example: one tray of fried chicken wings and a pot of rice held at 115° F; or one tray of fried chicken wings on the steam table and one tray of fried chicken wings in the food preparation area.	Three hot food items out of temperature or the same type of food out of temperature in three different areas. Example: one tray of fried chicken wings, a pot of rice and platter of roast beef held at 115° F; or one tray of fried chicken wings on the steam table, one tray of fried chicken wings in the food preparation area and one basket of fried chicken near the deep fryer.	Four or more hot food items out of temperature or the same type of food out of temperature in four or more different areas. Example: one tray of fried chicken wings, a pot of rice, platter of roast beef and tureen of beef stew held at 115° F; or one tray of fried chicken wings on the steam table, one tray of fried chicken wings in the food preparation area, one basket of fried chicken near the deep fryer and a rotisserie broiler with eleven chickens held at 115° F.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
2C	Hot TCS food item that has been cooked and cooled is being held for service without first being reheated to 165° F or above for 15 seconds within 2 hours.	One cooked and cooled hot food item not reheated to 165° F before service. Example: chicken soup.	Two cooked and cooled hot food items not reheated to 165° F before service. Example: chicken soup and baked ham.	Three cooked and cooled hot food items not reheated to 165° F before service. Example: chicken soup, baked ham and sliced turkey.	Four or more cooked and cooled hot food items not reheated to 165° F before service. Example: baked ham, sliced turkey, meatloaf and lobster bisque.	
2D	Precooked TCS food in hermetically sealed and intact packages from commercial food processing and non-retail food processing establishments	One precooked food item not heated to 140° F. Example: tray of beef patties.	Two pre-cooked food items not heated to 140° F. Example: one tray of beef patties and hotdogs.	Three pre-cooked food items not heated to 140° F. Example: two trays of beef patties, hotdogs, and vegetarian chorizo.	Four or more pre-cooked food items not heated to 140° F. Example: two trays of beef patties, hotdogs, vegetarian chorizo, and tofu.	

	not heated to 140° F within 2 hours.					
2E	Whole frozen poultry or poultry breasts, other than a single portion, cooked frozen or partially thawed.	One whole chicken or poultry breast cooked from a frozen state. Example: whole chicken.	Two or more whole poultry or poultry breasts cooked from a frozen state. Example: chicken breast, whole chicken, turkey breast and duck.	Note: For failure to properly cook poultry to the required minimum temperature, 2A cited.		
2F	Meat, fish, poultry or eggs served or offered raw or undercooked without written consumer advisory.	Serving or offering raw or undercooked meat, fish, poultry or eggs without written consumer advisory.				
2G*	Cold TCS food item held above 41° F, processed fish above 38° F or intact raw eggs above 45° F. Applies except during necessary preparation.	One cold food item out of temperature in one area. Example: one slab of unsliced smoked salmon or packet or tray of smoked salmon slices above 38° F or one tray of cut leafy greens above 41° F in service display case.	Two cold food items out of temperature or the same food item out of temperature in two different areas. Example: one slab of smoked salmon above 38° F and one tray of sliced tomatoes above 41° F; or one bowl of potato salad in the service display case, and one bowl of potato salad in the food preparation area above 41° F.	Three cold food items out of temperature or the same food item out of temperature in three different areas. Example: one slab of smoked salmon above 38° F and tray of sliced tomatoes and platter of tuna salad above 41° F; or one bowl of potato salad in the service display case and one bowl of potato salad in the food preparation area and garlic in oil mixture above 41° F.	Four cold food items out of temperature or the same food item out of temperature in four different areas. Example: one slab of smoked salmon above 38° F and tray of sliced tomatoes, bowl of garlic in oil mixture, and bowl of cooked collard greens above 41° F; or one tray of potato salad in the service display case, one tray of potato salad in the reach-in refrigerator, and one tray of potato salad on the food preparation table above 41° F.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

2H*	After cooking or removal from hot holding, TCS food not cooled by an approved method whereby the internal temperature is reduced from 140° F to 70° F or less within 2 hours and from 70° F to 41° F or less within 4 additional hours.	One food item not cooled by approved method. Example: one whole fried turkey at 70 °F after being refrigerated for four hours.	Two food items not cooled by approved method. Example: one whole fried turkey at 70 °F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with beef stew at 80 °F after two hours of refrigeration.	Three food items not cooled by approved method. Example: one whole fried turkey at 70 °F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with beef stew at 80 °F after two hours of refrigeration and six pound cooked beef rib roast not cut into smaller pieces before being placed in refrigerator to cool.	Four or more food items not cooled by approved method. Example: one whole fried turkey at 70 °F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with six inches of beef stew at 80 °F after two hours of refrigeration and six pound cooked beef rib roast not cut into smaller pieces before being placed in refrigerator to cool and 18 inch high pot filled to within one inch of top with turkey chili at 85 °F after three hours refrigeration.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
2I	TCS food removed from cold holding or prepared from or combined with ingredients at room temperature not cooled by an approved method to 41° F or below within 4 hours.	One food item removed from cold holding and/or prepared from ambient temperature ingredients not cooled to 41°F. Example: one container of tuna salad prepared with canned tuna.	Two food items foods removed from cold holding and/or prepared from ambient temperature ingredients not cooled to 41°F. Example: a container of tuna salad and a container of salmon salad prepared with canned tuna and salmon.	Three food items removed from cold holding and/or prepared from ambient temperature ingredients not cooled to 41°F. Example: tuna, chicken and salmon salads prepared with canned tuna, chicken and salmon.	Four or more food items removed from cold holding and/or prepared from ambient temperature ingredients not cooled to 41°F. Example: tuna, chicken, crab and salmon salads prepared with canned tuna, chicken, crab and salmon.	
3A*	Food from unapproved or unknown source or home canned or home prepared. Live animal slaughtered and/or raw meat processed into smaller cuts or pieces in the MFVU.				One or more food items from unapproved or unknown source or home canned or home prepared. Raw meat processed into smaller cuts or pieces in the MFVU. Live animal slaughtered. Example: wild mushrooms or home canned beets or home prepared meat balls, curry, rice or lasagna; or raw pork shoulder cut into smaller pieces on the MFVU.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

3B*	Commercially manufactured, or processed shellfish not from approved source, or improperly tagged/labeled; tags not retained for 90 days on MFVU.				One or more containers or kind of cooked shellfish not from an approved source, not or improperly tagged/labeled; tags not retained for 90 days. Example: clams not tagged, oyster tags not retained for 90 days, mussels improperly labeled and mussels not tagged.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3C*	Unclean or cracked whole eggs or unpasteurized liquid, frozen or powdered eggs kept or used.	1-6 unclean or cracked eggs or 1 container of liquid, frozen, or powdered eggs not pasteurized. Example: four cracked eggs; or one container of unpasteurized liquid eggs.	7-12 unclean or cracked eggs; or 2 containers of liquid, frozen, or powdered eggs not pasteurized. Example: nine cracked eggs; or two containers of unpasteurized liquid eggs.	13-24 unclean or cracked; or three containers of liquid, frozen, or powdered eggs not pasteurized. Example: 24 unclean and/or cracked eggs; or 14 dirty unclean and/or cracked eggs and two containers of unpasteurized liquid eggs.	25 or more unclean or cracked eggs; or four containers of unpasteurized liquid, frozen, or powdered eggs not pasteurized. Example: 25 or more unclean and/or cracked eggs; or four containers of unpasteurized liquid eggs.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3D*	Food packages, canned food, hermetically sealed container not suitable for human consumption. Packages swollen, leaking or rusted, without "Do Not Use" label or not segregated from other consumable food items.	1-6 cans of food swollen, leaking or rusted and not segregated from consumable food. Example: one can of tomato paste swollen and one can of salmon rusted and stored on food storage shelf.	7-12 cans of food swollen, leaking or rusted and not segregated from consumable food. Example: three cans of tomato paste swollen and two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	13-18 cans of food swollen, leaking or rusted and not segregated from consumable food. Example: 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	19 or more cans of food swollen, leaking or rusted and not segregated from consumable food. Example: 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted, and 15 cans of baked beans leaking and stored on food storage shelf.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3E*	No or inadequate potable water supply. Water or ice not potable or from unapproved source. Bottled water not NY State certified. Cross connection in potable water supply system.				No potable water. Potable water supply inadequate. Water or ice not potable or from unapproved source. Cross connection in potable water supply system.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

3F*	Unpasteurized milk or milk product (except certain aged cheese) served.				Unpasteurized milk or milk product served.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3G	Raw fruit or vegetables not properly washed prior to cutting or serving.	One raw fruit or vegetable not properly washed prior to cutting or serving. Example: an apple.	Two raw fruits or vegetables not properly washed prior to cutting or serving. Example: two heads of lettuce.	Three raw fruits or vegetables not properly washed prior to cutting or serving. Example: two heads of lettuce and one head of broccoli.	Four or more raw fruits or vegetables not properly washed prior to cutting or serving. Example: two heads of lettuce, one head of broccoli and one head of cabbage.	
3H*	Raw meat, fish, or shellfish stored, prepared, served or sold on MFVU.				Raw meat, fish, or shellfish stored, prepared, served or sold on MFVU. Example: Vending raw fish or preparing and serving steak tartare from MFVU.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3I*	Unpasteurized juice packaged and sealed on MFVU or commissary not labeled or label incomplete; no warning statement.				One or more packaged juice products not or improperly labeled. Example: orange and carrot juice produced and bottled with sealed cap by the MFVU without a label or only a partial label.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss embargoing product, closing or other enforcement measures.
4B*	Food worker or vendor spits; prepares food or touches utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.				Food worker or vendor spits; prepares food or handles utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

4C*	Food worker or vendor does not use utensil or other barrier to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	One vendor preparing ready-to-eat food with bare hands. Example: one vendor at front food preparation area preparing a sandwich.	Two vendors preparing ready-to-eat foods with bare hands. Example: one vendor at front food preparation area preparing a sandwich and one vendor preparing Caesar salad.	Three vendors preparing ready-to-eat foods with bare hands. Example: one vendor at food preparation area preparing a sandwich, one vendor preparing Caesar salad and one vendor preparing shrimp cocktail.	Four or more vendors preparing ready-to-eat foods with bare hands. Example: two vendor at front food preparation area preparing sandwiches, one vendor preparing Caesar salad and one vendor preparing shrimp cocktail.	Failure to correct any condition of a PHH at the time of Inspection. Inspector must call office to discuss closing or other enforcement measures.
4D*	Food worker or vendor does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, or otherwise contaminating hands or does not change gloves when gloves are contaminated.				Vendor does not wash hands after using the toilet, coughing, sneezing, smoking, preparing raw foods or otherwise contaminating hands or does not change gloves when gloves are contaminated.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4E*	Toxic chemicals or pesticides improperly labeled, stored or used such that contamination of food may occur.	One toxic chemical or pesticide improperly labeled, stored or used such that contamination of food may occur. Example: roach spray stored on shelf with hot dog rolls.	Two toxic chemicals or pesticides improperly labeled, stored or used such that contamination of food may occur. Example: roach spray and bleach stored on shelf with hot dog rolls.	Three toxic chemicals or pesticides improperly labeled, stored or used such that contamination of food may occur. Example: roach spray, bleach and stainless steel cleaner stored on shelf with hot dog rolls.	Four or more toxic chemicals or pesticides improperly labeled, stored, or used such that contamination of food may occur. Example: roach spray, bleach, stainless steel cleaner and rat poison stored on shelf with hot dog rolls.	Failure to correct any condition of a PHH at the time of Inspection. Inspector must call office to discuss closing or other enforcement measures.
4F*	Food preparation area, food storage area, or other area used by food worker or food vendor contaminated by sewage or liquid waste.				Food preparation or food storage area, or any area used by employees or patrons, contaminated by sewage or liquid waste.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4G*	Unprotected TCS food re-served.				Unprotected TCS food re-served. Example: bowl of cooked rice re-served to other patron.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4H*	Raw, cooked or prepared food is adulterated,	One food item is spoiled, adulterated,	Two food items or two containers of the same	Three food items or three containers of the same food	Four or more food items or four or more containers	Failure to correct any condition of a PHH at the

	contaminated or cross-contaminated. Food exposed to contamination when containers stored in cooking water.	contaminated or cross-contaminated. Example: lettuce contaminated by raw chicken or custard cream contaminated by mice droppings.	food located in two areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce and cooked chicken contaminated by raw chicken; or adulterated sausage and fish.	type located in three areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken and raw eggs contaminated by raw chicken; or lettuce, tomatoes and figs contaminated by non-potable water; or a tray of chicken contaminated with mice droppings in low boy refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, and a pan of chicken on the service counter cross-contaminated with raw beef drippings.	of the same food type in different areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken, raw eggs and cooked rice contaminated by raw chicken; or a tray of chicken contaminated with mice droppings in low boy refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, a pan of chicken on the service counter cross-contaminated with raw beef drippings and chicken contaminated by mice droppings, pigeon eating croutons from salad on MFVU.	time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4I	Unprotected non-TCS food re-served.	One unprotected food item re-served. Example: unwrapped crackers.	Two unprotected foods items re-served. Example: unwrapped crackers and bread.	Three unprotected food items re-served. Example: unwrapped crackers, bread and pickles.	Four or more unprotected food items re-served. Example: unwrapped crackers, bread, pickles and breadsticks.	
4J	Properly calibrated thermometer or thermocouple not provided or not readily accessible in food preparation, hot/cold holding areas, to measure temperatures of TCS foods during cooking, cooling, reheating and holding.	Properly calibrated thermometer or thermocouple not provided, or readily accessible to measure temperature of TCS foods.				

4K	Evidence of rats or live rats in establishment's food and/or non-food areas.	Rats or evidence of rats in the MFVU's food or non-food areas. Example: 1-10 fresh rat dropping in the MFVU.	Rats or evidence of rats in the unit's food or non-food areas, demonstrated by 11-30 fresh rat droppings in the MFVU.	Rats or evidence of rats in the MFVU's food or non-food areas, demonstrated by 31-70 rat droppings in the MFVU.	Rats or evidence of rats in the MFVU's food or non-food areas, demonstrated by 1-2 live rats and/or 71-100 rat droppings in the MFVU.	Three or more live rats and/or more than 100 rat droppings; and/or other conditions conducive to infestation of rats, e.g., holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.
4L	Evidence of mice or live mice in MFVU's food and/or non-food areas.	Mice or evidence of mice in the MFVU's food or non-food areas; 1-10 fresh mice droppings. Example: 8 fresh mice droppings in the MFVU.	Mice or evidence of mice in the MFVU's food or non-food areas. 11-30 fresh mice droppings. Example: 25 fresh mice droppings in the MFVU.	Mice or evidence of mice in the MFVU's food or non-food areas. 31-70 mice droppings. Example: 55 mice droppings in the MFVU.	Mice or evidence of mice in the MFVU's food or non-food areas; 1-2 live mice and/or 71-100 mice droppings. Example: 80 mice droppings in the MFVU.	Two or more live mice and/or more than 100 mice droppings and/or other conditions exist conducive to infestation of mice, e.g., holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.
4M	Live roaches in MFVU's food and/or non-food areas.	1-5 roaches in the MFVU's food and non-food areas. Example: 2 live roaches in the dry food area.	Roaches in the MFVU's food and and/or non-food areas. 6-10 roaches. Example: seven live roaches in the MFVU.	Roaches in the MFVU's food and/or non-food areas; 11-15 roaches. Example: 12 live roaches in the MFVU.	Roaches in the MFVU's food and non-food areas; 16-20 roaches. Example: 17 live roaches in the MFVU.	More than 20 live roaches and/or other conditions exist conducive to infestation of roaches. Example: 45 live roaches and condition conducive to infestation such as holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.

4N	Filth flies or food/refuse/sewage associated (FRSA) flies or other nuisance pests in MFVU's food and/or non-food areas. FRSA flies include house flies, blow flies, bottle flies, flesh flies, drain flies, Phorid flies and fruit flies.	1-5 filth flies or FRSA flies in the MFVU during November 1 through March 1. Example: two flies in the MFVU in January.	6-10 filth flies or FRSA flies in the MFVU area. Example: seven live flies in the MFVU.	11-15 filth flies or FRSA flies in the MFVU. Example: 12 live flies in the MFVU.	16-30 filth flies or FRSA flies in the MFVU. Example: 17 filth flies in the MFVU.	More than 30 filth flies, FRSA flies and/or other conditions exist conducive to infestation of filth flies. Example: 40 flies in the MFVU; and other conditions exist conducive to filth fly infestation, e.g., openings to the outer air, water, food, decaying matter and/or sewage. Inspector must call office to discuss closing or other enforcement measures.
4O	Live animal other than fish in tank or service animal present in MFVU food and/or non-food area.	One live animal in the MFVU. Example: Live cat within the food truck.	Two live animals in the MFVU. Example: Two live birds in the food truck.	Three live animals in the MFVU. Example: Three cockatoos in a cage in the food truck.	Four or more live animals in the MFVU. Example: Two caged cockatoos and two live cats in the food truck.	
4P*	Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.				Any food held, kept, offered, prepared, processed, packaged or served with any prohibited substance.	Failure to correct any condition of a public health hazard at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
5A*	Sewage disposal system is not provided, improper, inadequate or unapproved. Waste tank not provided with a readily accessible vented check valve.				No sewage disposal system. Sewage or liquid waste is not disposed of in an approved or sanitary manner; or readily accessible check vented check valve not installed or inoperable.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

5B*	Harmful, noxious gas or vapor detected. Carbon Monoxide (CO) level at or exceeding nine (9) ppm.				Harmful, noxious gas or vapor detected. CO level at or exceeding nine (9) ppm.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures
5C+	Food contact surface, refillable, reusable containers, or equipment improperly constructed, placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food. Potable water tank and plumbing improperly constructed or designed.	One food contact surface, refillable, reusable containers, or piece of equipment improperly constructed, maintained, placed and/or unacceptable material used. Example: painted shelves in a low boy refrigerator unit.	Two food contact surfaces, refillable, reusable containers, or pieces of equipment improperly constructed, placed, maintained, and/or unacceptable material used. Example: painted shelves in a low boy refrigerator unit and customer's refillable, reusable container made from polystyrene.	Three food contact surfaces, refillable, reusable containers, or pieces of equipment improperly constructed, placed, maintained and/or unacceptable material used. Example: painted shelves of a low boy unit, cutting board made from untreated wood and customer's refillable, reusable container made from polystyrene.	Four or more food contact surfaces, refillable, reusable containers, or pieces of equipment improperly constructed, placed, maintained, and/or unacceptable material used. Example: painted shelves of a low boy refrigerator unit, cutting board made from untreated wood, acidic foods placed in pewter bowl and solder and flux used to repair food contact equipment or no culinary sink or other acceptable method provided for washing food.	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
5D+	No hand wash facility or hand wash facility not accessible, obstructed or used for non-hand washing purposes. No hot and cold running water or water at inadequate pressure. No soap or acceptable hand-drying device.				Fully equipped hand wash sinks, to include soap and hand drying device or disposable single use towels, not provided or hand wash sink not accessible or obstructed. No potable water or water inadequate pressure at hand wash sink.	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.

5F+	Inadequate or no refrigerated or hot holding equipment to maintain Time/Temperature Control for Safety (TCS) foods at required temperatures.		Refrigerated or hot holding equipment for TCS food inadequate or not provided.	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
5H+	No facilities available to wash, rinse, and sanitize utensils or equipment. No approved written standard operating procedure for avoiding contamination by refillable returnable containers.		No facilities available to wash rinse and sanitize utensils or equipment. No approved written standard operating procedure for avoiding contamination by refillable returnable containers.	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
5I	Signed original service contract or agreement with commissary or other approved facility not provided at pre-permit inspection; documents not kept on MFVU and available for inspection.		Signed original service contract or agreement with commissary or other approved facility not provided at pre-permit inspection; documents not kept on MFVU and available for inspection.	Failure to correct as pre-permit serious (PPS) violation on an initial inspection, re-inspection, or compliance on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.

5J+	Construction and design inadequate. Overhead structure not provided or constructed. Food truck not provided with partition or self-closing door between the driver's seat and the food operations. Ice cream truck not equipped with operational warning beeper and signage arm. Tamper proof locks or other food security mechanism not provided. MFVU exceeds size requirements. Potable water tank or hand wash sink tank capacity inadequate.					Construction and design inadequate. Overhead structure not provided or constructed. Food truck not provided with partition or self-closing door between the driver's seat and the food operations. Ice cream truck not equipped with operational warning beeper and signage arm. Tamper proof locks or other food security mechanism not provided. Hand wash water tank improperly constructed or designed to be drained by gravity.	Failure to correct as pre-permit serious (PPS) violation on an initial inspection, re-inspection, or compliance on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminate or not properly dressed; sleeveless garment or bare midriff worn. Effective hair restraint not worn when required. Jewelry worn on hands or arms, fingernail polish worn; or fingernails not kept clean and trimmed.	One vendor without clean outer garment or hair restraint or wearing prohibited clothing, jewelry or fingernail polish, or fingernails not kept clean and trimmed.	Two vendors without clean outer garment or hair restraint or wearing prohibited clothing, jewelry or fingernail polish, or fingernails not kept clean and trimmed.	Three vendors without clean outer garment or hair restraint or wearing prohibited clothing, jewelry or fingernail polish, or fingernails not kept clean and trimmed.	Four or more vendors without clean outer garment or hair restraint or wearing prohibited clothing, jewelry or fingernail polish, or fingernails not kept clean and trimmed.		
6B	Tobacco or e-cigarette use, eating, or drinking from open container in food preparation or other area where food, equipment or utensils may be exposed to contamination.	One vendor eating, smoking and/or drinking from open container in food preparation or ware washing areas or other area where food equipment or utensils may be exposed to contamination. Example: Vendor eating in the food preparation area.	Two vendors eating, smoking and/or drinking from open container in food preparation or ware washing areas or other area where food equipment or utensils may be exposed to contamination. Example: One vendor eating in the food preparation area and one vendor smoking by the coffee machine.	Three vendors eating, smoking and/or drinking from open container in food preparation or ware washing areas or other area where food equipment or utensils may be exposed to contamination. Example: One vendor eating in the food preparation area, one vendor smoking by the coffee machine, and one vendor drinking from an open container.	Four vendors eating, smoking and/or drinking from open container in food preparation or ware washing areas or other area where food equipment or utensils may be exposed to contamination. Example: One vendor eating in the food preparation area, one vendor smoking by the coffee machine, one vendor drinking from an open container, and one		

					vendor smoking an e-cigarette while serving food.
6C	Food, supplies or equipment not protected from potential source of contamination during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Condiments not in single-service containers or dispensed directly by the vendor.	One food item not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered assorted pastries or supply of wax paper used to wrap bagels stored under the waste water tank or customer's refillable, reusables container directly touches the cappuccino milk frother.	Two food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries and one cooked steak on prep table under fly strip.	Three food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries; one cooked steak on prep table under fly strip and fresh cut fruit in the service window.	Four or more food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries; wax paper used to wrap bagels stored under the waste water tank; customer's refillable, reusables container directly touches the cappuccino milk frother; one cooked steak on kitchen prep table under fly strip, and fresh cut fruit in the service window.
6D	Food contact surface not properly washed, rinsed and sanitized after any activity where contamination may have occurred.	One food contact surface not washed, rinsed or sanitized after any activity where contamination may have occurred. Example: Meat slicer blade encrusted with old food debris.	Two food contact surfaces not washed, rinsed or sanitized after any activity where contamination may have occurred. Example: Meat slicer blade encrusted with old food debris and cutting board encrusted with old food debris.	Three food contact surfaces not properly washed, rinsed or sanitized after any activity where contamination may have occurred. Example: Meat slicer blade, wooden cutting board, and can opener encrusted with old food debris.	Four or more food contact surfaces not properly washed, rinsed or sanitized after any activity where contamination may have occurred; not free of accumulated contaminants. Example: Meat slicer blade, wooden cutting board, can opener, and food preparation table encrusted with old food debris, and the interior of the ice bin contaminated with mold.
6E	Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.	One sanitized piece of equipment or utensil improperly used or stored. Example: in-use ice scoop on top of ice storage container.	Two sanitized pieces of equipment or utensils improperly used or stored. Example: in-use ice scoop on top of ice storage container and knives stored between food preparation table and wall.	Three sanitized pieces of equipment or utensils improperly used or stored Example: in-use ice scoop on top of ice storage container; clean sanitized knives stored between food preparation table and wall; and in-use food utensils in container of water not heated to 135° F.	Four or more sanitized pieces of equipment or utensils improperly used or stored. Example: in-use ice scoop on top of ice storage container; clean sanitized knives stored between food preparation table and wall, in-use food utensils in container of water not heated to 135° F; and

					clean and sanitized food tags stored in cash register.	
6F	Wiping cloths soiled or not stored in sanitizing solution; inadequately sanitized.	Wiping cloth soiled or not stored in sanitizing solution; or inadequately sanitized. Example: one wiping cloth used to clean food contact surfaces not stored in sanitizing solution; or test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided; or sanitizer solution not at appropriate level to effectively remove contaminants from wiping cloths.	Any two of: Wiping cloths soiled or not stored in sanitizing solution; or inadequately sanitized. Example: one or more wiping cloths used to clean food contact surfaces not stored in sanitizing solution and the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided.	Wiping cloths soiled and not stored in sanitizing solution; and inadequately sanitized. Example: one or more wiping cloths used to clean food contact surfaces are not stored in sanitizing solutions, the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided and sanitizer solution not at appropriate level to effectively remove contaminants from wiping cloths.		
6J	Refillable, reusable beverage container filled with TCS foods.	One food worker filled a customer's reusable beverage container with mixed fruit milk smoothie.	Two food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled two customer's containers with mixed fruit milk smoothie.	Three food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.	Four or more food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.	

6K*	MFVU left unattended longer than one-half hour.					MFVU left unattended longer than one-half hour. Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
6L	Ice not stored until dispensed in the manufacturer's bag. Ice not obtained in chipped, crushed, or cubed form and in single-use food grade plastic or wet-strength paper bag sealed at the point of manufacture.			Ice not stored until dispensed in the manufacturer's bag. Ice not obtained in chipped, crushed, or cubed form and in single-use food grade plastic or wet-strength paper bag sealed at the point of manufacture. Example: crushed ice stored in bin outside of manufacturer's bag; Ice not obtained in a food grade plastic bag.		
7A	Duties of an officer of the department interfered with or obstructed.					Duties of an officer of the department interfered with or obstructed. Inspector must call office to discuss closing or other enforcement measures.
General Violations						
8A	Harborage or conditions conducive to attracting pests to the MFVU.		Doors and door thresholds not adequately pest proofed, and/or one or two openings in the MFVU's structure (walls, floors, ceilings) and/or other condition conducive to pest entry or breeding when pests or signs of pests are present.	Doors and door thresholds not adequately pest proofed, with quality materials, and/or three or more openings in the MFVU structure (walls, floors, ceilings) or other condition conducive to pest entry or breeding when pests or signs of pest are present.		

8B	Garbage receptacles not pest or water resistant, or covered with tight-fitting lids, except while in active use. Garbage receptacles and covers not cleaned after emptying and prior to reuse. Garbage, refuse and other solid and liquid waste not collected, stored, removed and properly discarded.	Garbage equipment and facilities not maintained or provided. Example: Garbage and liquid waste not disposed of at commissary; covers not cleaned after emptying and before reuse; garbage and consumer litter discarded on public streets and public trash cans.				
8C	Pesticide use not in accordance with label or applicable laws. Pesticides are unauthorized for use. Unprotected, unlocked bait station used. Toxic chemical or pesticide prohibited on MFVU.	One prohibited pesticide, chemical or bait station on MFVU or not used in accordance with label or applicable laws.	Two types of prohibited pesticides, chemicals or bait stations on MFVU or not used in accordance with label or applicable laws.	Three types of prohibited pesticides, chemicals or bait stations on MFVU or not used in accordance with label or applicable laws.	Four or more types of prohibited pesticides, chemicals or bait stations on MFVU or not used in accordance with label or applicable laws.	Failure to correct. Inspector must call office to discuss enforcement measures.
9A	Cans of food with dented body damage not segregated from other cans for return to distributor.	1-6 cans dented. Example: one dented can of tomato paste stored on food storage shelf not segregated.	7-12 cans dented. Example: seven dented cans of tomato paste stored on food storage shelf not segregated.	13-24 cans dented. Example: seven dented cans of tomato paste and six dented cans of soy sauce stored on food storage shelf not segregated.	25 or more cans dented. Example: seven dented cans of tomato paste, ten dented cans of soy sauce, and five dented cans of tuna fish stored on food storage shelf not segregated.	
9B	Thawing procedures improper.	One frozen food item improperly thawed. Example: whole chicken or beefsteak improperly thawed.	Two frozen food items improperly thawed or the same type of food improperly thawed in two different areas. Example: two chickens and beefsteak improperly thawed or chicken breast improperly thawed in sink and chicken legs thawed on food preparation counter.	Three frozen food items improperly thawed or the same type of food improperly thawed in three different areas. Example: three chickens, beefsteak, and pork shoulder improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on food preparation counter, and chicken breast improperly thawed in bowl in food preparation area.	Four or more frozen food item improperly thawed or the same type of food improperly thawed in four different areas. Example: four chickens, chicken breast, beefsteak, and shrimp improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on kitchen counter, chicken breast improperly thawed in bowl in food preparation area, and chicken wings improperly thawed near the deep fat fryer.	

9C	Food contact surface chipped, crack, worn or in a condition where it cannot be properly maintained or cleaned.	One food contact surface not properly maintained. Example: one cutting board discolored.	Two food contact surfaces not properly maintained. Example: one cutting board discolored and one plastic cutting board pitted and scratched.	Three food contact surfaces not properly maintained. Example: three cutting boards pitted and scratched.	Four or more contact surfaces not properly maintained. Example: three cutting board pitted and scratched and four cutting boards at the food preparation area discolored.	
9D	MFVU used as a dwelling, sleeping or for residential purposes.					MFVU used as a dwelling, sleeping or for residential purposes.
9E	"Wash hands" sign not posted at hand wash facility.	"Wash hands" sign not posted at hand wash facility.				
10B	Back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.	One back-flow prevention device not installed, or equipment or floor not properly drained. Example: vacuum breaker not installed on potable water line connected to the coffee machine or waste water tank draining into a bucket.	Two back-flow prevention devices not installed, or equipment or floor not properly drained. Example: vacuum breaker not installed on potable water line connected to the coffee machine waste water tank drained into a bucket and steam table draining onto sidewalk.	Three back-flow prevention devices not installed, or equipment or floor not properly drained. Example: waste water tank draining into bucket, steam table draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet.	Four back-flow prevention devices not installed or equipment or floor not properly drained. Example: waste water tank draining into bucket, hot holding unit draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet or ice machine or vacuum breaker not installed on potable water line connected to the coffee machine.	Five or more back-flow prevention devices not installed or equipment or floor not properly drained. Example: waste water tank draining into bucket, hot holding unit draining onto sidewalk, no vacuum breaker provided on the hose connected to faucet, vacuum breaker not installed on potable water line connected to the coffee machine; and no vented check valve on the main water supply pipe.

10C	Lighting inadequate; permanent lighting not provided in food preparation areas, ware washing areas, and storage areas. No shatterproof bulbs or shield to prevent broken glass from falling into food or onto surfaces.	One instance of inadequate lighting. Example: lighting at work surface of food preparation table is 323 lux.	Two instances of inadequate lighting. Example: lighting at food prep table work surface table is 323 lux, and 108 lux at surface of food service counter.	Three instances of inadequate lighting. Example: illumination of food prep table work surface table is 323 lux, 108 lux at surface of food service counter and 54 lux in refrigeration unit	Four or more instances of inadequate lighting. Example: illumination of food prep table work surface table is 323 lux, 108 lux at surface of food service counter buffet, 54 lux in refrigeration unit and 70 lux in storage area.	
10D	Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke, and fumes.	One mechanical ventilation system not provided or inadequate. Example: no mechanical ventilation provided to remove excess fumes	Two mechanical ventilation systems not provided or inadequate. Example: no ventilation provided or exhaust hood not sufficient to remove excess fumes in kitchen.	Three mechanical or natural ventilation systems not provided or inadequate. Example: no ventilation provided exhaust hood not sufficient to remove excess fumes in kitchen and grease collecting on walls.	Four mechanical or natural ventilation systems not provided or inadequate. Example: no ventilation provided, or exhaust hood not sufficient to remove excess fumes in kitchen, grease collecting on walls, and smoke from smokehouse drifting into adjacent building.	
10E	Accurate thermometer not provided or properly located in cold or hot holding equipment.	One cold or hot holding unit not provided with accurate thermometer to measure the temperature in the warmest part of the cold holding unit or coolest part of the hot storage unit.	Two cold or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the cold holding unit or coolest part of the hot storage unit.	Three cold or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the cold holding unit or coolest part of the hot storage unit.	Four cold or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the cold holding unit or coolest part of the hot storage unit.	

10F	Non-food contact surface or equipment made of unacceptable material, not kept clean, and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides above and underneath equipment or other structures.	Non-food contact surface or equipment made of unacceptable material, not kept clean and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath equipment or other structures. Example: wall in food preparation area made of material not easily cleaned.	Non-food contact surfaces or equipment made of unacceptable material, not kept clean and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath equipment or other structures. Example: wall in food preparation area made of material not easily cleaned and build-up of grease on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning.	Non-food contact surfaces or equipment made of unacceptable material, not kept clean and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath equipment or other structures. Example: wall in food preparation area made of material not easily cleaned, build-up of grease on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning, and dried encrusted grease and old food debris under the refrigeration unit which is not properly sealed to the floor.	Non-food contact surfaces or equipment made of unacceptable material, not kept clean and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath equipment or other structures. Example: wall in food preparation area made of cork, a material not easily cleanable, build-up of grease on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning, dried encrusted grease and old food debris under the refrigeration unit which is not properly sealed to the floor, and a rug in the food storage area.
10G	Proper sanitization not used or provided for ware washing operation. No test kit.				Sanitization inadequate for manual ware washing.
10H	Single service items not provided. Single service items reused, not protected from contamination when transported, stored or dispensed. Drinking straws not completely enclosed in wrapper or dispensed from a sanitary device.	One type of single service item reused, not protected from contamination when transported, stored, dispensed or not used when required. Example: drinking straws not protected from contamination.	Two types of single service items reused not protected from contamination when transported, stored, dispensed or not used when required. Example: drinking straws not properly dispensed and paper plates not protected from contamination.	Three types of single service items reused, not protected from contamination when transported, stored, dispensed, not used when required. Example: drinking straws not properly dispensed, paper plates not protected from contamination and forks not protected from contamination.	Four or more types of single service items reused,] not protected from contamination when transported, stored, dispensed, not used when required. Example: drinking straws not properly dispensed, paper plates not protected from contamination, forks not protected from contamination, plastic forks reused, customer is served soda in a glass.

10I	Failure to clean unit at commissary or approved facility at least daily		Failure to clean unit at commissary or approved facility at least daily
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- * Public Health Hazards (PHH) must be corrected immediately.
- + Pre-permit Serious Violations that must be corrected before permit is issued.

Note: When examples are provided to illustrate the kinds of violations included in a condition level, the examples are not intended to cover all the possible violations of the applicable Health Code or other law cited. These examples are only intended to help establishment operators to determine the extent of their violations.

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02A	NYCHC 81.09(c)	Public Health Hazard	Other time and temperature control for safety ("TCS") hot food not heated to 140°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing, parts and ground, comminuted poultry not heated to 165°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Whole meat roasts and beef steak, rare roast beef or beef steak not heated to minimum time/temperature					\$400	\$600
02A	NYCHC 81.09(c)(4)	Public Health Hazard	Ground, comminuted meat, foods containing ground, comminuted meat not heated to 158°F					\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F injected, mechanically tenderized meats not heated to 155°F					\$400	\$600
02A	NYCHC 81.09(c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(7)	Public Health Hazard	Raw animal food cooked in microwave not heated to 165°F, not covered, rotated or stirred, not held for 2 minutes					\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot TCS food not held at 140°F or above					\$250	\$300
02C	NYCHC 81.09(d)	CRITICAL	Previously cooked and cooled TCS food not reheated to 165°F for 15 seconds within 2 hours	\$200	\$200	\$250	\$300		
02D	NYCHC 81.09(d)(2)	CRITICAL	Commercially processed TCS food not heated to 140°F within 2 hours	\$200	\$200	\$250	\$300		
02E	NYCHC 81.09(f)(5)	CRITICAL	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed	\$200	\$200				
02F	NYCHC 81.11	CRITICAL	Meat, fish, eggs or poultry offered, served raw or partially cooked without written consumer advisory	\$200					
02G	NYCHC 81.09(a)	Public Health Hazard	Cold TCS food not held at 41°F or below	\$250	\$300	\$350	\$400	\$500	

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below		\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F		\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	TCS food not cooled by approved method		\$250	\$300	\$350	\$400	\$500
02I	NYCHC 81.09(e)(2)	CRITICAL	TCS food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours		\$200	\$200	\$250	\$300	
03A	NYCHC 81.04	Public Health Hazard	Food from unapproved or unknown source, or home cooked					\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source					\$400	\$600
03A	NYCHC 81.04(d)	Public Health Hazard	Exotic and game animals meat not from an approved source					\$400	\$600
03A	NYCHC 81.07(m)	Public Health Hazard	Animal slaughter on MFVU					\$400	\$600
03A	NYCHC 89.19(f)	Public Health Hazard	Butchering raw meat on MFVU					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish records not on MFVU					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source					\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Whole eggs cracked, not clean; other eggs unpasteurized		\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages, hermetically sealed containers, or packaged food swollen, leaking and/or rusted; not labeled; not segregated from intact packaged foods.		\$200	\$200	\$200	\$200	\$200
03E	24 RCNY 6-04(f)	Public Health Hazard	Potable water not provided; inadequate.***	\$0				\$100	\$100
03E	NYCHC 89.19(d)	Public Health Hazard	Ice contaminated or not made from potable water.					\$400	\$600

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*			
03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source; not state certified					\$250	\$250			
03E	NYCHC 81.20(c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used					\$400	\$600			
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water.***					\$0	\$100	\$100		
03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products (except aged cheese) served					\$400	\$600			
03G	NYCHC 81.07(a)(4)	CRITICAL	Raw fruits and vegetables not washed prior to cutting, serving					\$200	\$200	\$250	\$300	
03H	NYCHC 89.19(f)	Public Health Hazard	Prohibited sale of raw meat, fish, and shellfish					\$400	\$600			
03I	NYCHC 81.04(e)	Public Health Hazard	Juice packaged on MFVU with no or incomplete label, no warning statement					\$400	\$600			
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker or vendor with illness, communicable disease and/or injury preparing food					\$400	\$600			
04B	NYCHC 81.13(i)	Public Health Hazard	Food worker or vendor spitting					\$400	\$600			
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat foods					\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination; or change gloves when required	\$400	\$600							
04E	NYCHC 81.23(d)	Public Health Hazard	Pesticide improperly labeled, stored or used such that food contamination may occur.	\$250	\$300	\$350	\$400	\$600				
04F	NYCHC 81.20(b)	Public Health Hazard	Food preparation, food storage, or other area contaminated by sewage or liquid waste***	\$0	\$100	\$100						
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected TCS food re-served	\$400	\$600							
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material	\$250	\$300	\$350	\$400	\$600				
04H	NYCHC 81.07(a)	Public Health Hazard	Food adulterated or contaminated	\$250	\$300	\$350	\$400	\$500				
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600				

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
04H	NYCHC 89.19(e)	Public Health Hazard	TCS foods improperly stored on ice		\$250	\$300	\$350	\$400	\$600
04H	NYCHC 89.19(j)	Public Health Hazard	Food exposed to contamination when containers stored in cooking water		\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	CRITICAL	Unprotected non-TCS food re-served		\$200	\$200	\$250	\$300	
04J	NYCHC 89.19(b)	CRITICAL	Thermometer not provided, calibrated properly, or accessible for use		\$200				
04K	NYCHC 81.23(a)	CRITICAL	Rats or evidence of rats		\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	CRITICAL	Mice or evidence of mice		\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	CRITICAL	Live roaches		\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	CRITICAL	Filth or FRSA flies, other nuisance pests		\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	CRITICAL	Live animal other than fish in tank or service animal		\$200	\$200	\$250	\$300	
04P	SSC 14-4.96(a)	Public Health Hazard	Non-food grade liquid nitrogen, dry ice added to food					\$400	\$600
04P	SSC 14-4.96(d)	Public Health Hazard	Dry ice "smoke" or liquid nitrogen "fog" effect remains at time of service					\$400	\$600
04P	NYCHC 71.05	Public Health Hazard	Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.					\$400	\$600
05A	NYCHC 89.25(b)	Public Health Hazard	Sewage and liquid waste holding tank not provided, inadequate or unapproved***		\$0			\$100	\$100
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm					\$400	\$600
05C	24 RCNY 6-04(f)(2)	CRITICAL	Water tanks and inlet pipes are not constructed of food grade materials that are corrosion resistant, durable and non-absorbent		\$200	\$200	\$250	\$300	\$350
05C	24 RCNY 6-04(i)(3)	CRITICAL	Culinary sink or alternative method not provided for washing food		\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.17(d)	CRITICAL	Food contact surface, equipment improperly constructed, located and/or made of unacceptable materials		\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.46(c)	CRITICAL	Refillable, returnable containers constructed with improper materials.		\$200	\$200	\$250	\$300	\$350
05D	24 RCNY 6-04(i)(1)	CRITICAL	Hand wash facility not provided with potable running water, or properly equipped				\$300	\$350	

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*	
05D	24 RCNY 6-04(i)(1)	CRITICAL	Hand wash facility without soap, drying device					\$300	\$350	
05D	24 RCNY 6-04(i)(1)(A)	CRITICAL	Hand washing facilities not provided/obstructed					\$300	\$350	
05F	24 RCNY 6-04(l)	CRITICAL	Hot or cold holding equipment not provided or inadequate					\$300	\$350	
05H	24 RCNY 6-04(i)(2)(A)	CRITICAL	No facilities to wash, rinse, and sanitize utensils or equipment					\$300	\$350	
05H	NYCHC 81.46	CRITICAL	No approved standard operating procedure for refillable consumer containers					\$300	\$350	
05I	24 RCNY 6-11(g)	CRITICAL	Service contract or agreement with commissary or other approved facility not provided; documents not kept on MFVU and made available for inspection.					\$300	\$350	
05J	24 RCNY 6-04(b)(4)	CRITICAL	Food vehicles not provided with partition or self-closing door between the drivers seat and the food preparation area.					\$300	\$350	
05J	24 RCNY 6-04(n)	CRITICAL	Ice cream truck not equipped with fully operational warning beepers and signage arm					\$300	\$350	
05J	24 RCNY 6-04(o)	CRITICAL	MFVU not equipped or constructed with an overhead structure, or similar device					\$300	\$350	
05J	24 RCNY 6-04(p)	CRITICAL	Tamper proof locks or other food security mechanism not provided					\$300	\$350	
05J	24 RCNY 6-04(f)(1)	CRITICAL	Potable water tank capacity inadequate					\$300	\$350	
05J	24 RCNY 6-04(i)(1)	CRITICAL	Potable water storage tank less than 5 gallons					\$300	\$350	
06A	NYCHC 81.13	CRITICAL	Food worker or vendor does not maintain personal cleanliness						\$200	\$200
06A	NYCHC 81.13(b)	CRITICAL	Effective hair restraint not worn****	\$0	\$100	\$100	\$125		\$150	
06A	NYCHC 81.13(c)	CRITICAL	Clean outer garment not worn	\$200	\$200	\$250	\$300			
06A	NYCHC 81.13(e)	CRITICAL	Fingernails not clean, trimmed, or with nail polish	\$200	\$200	\$250	\$300			
06A	NYCHC 81.13(f)	CRITICAL	Jewelry worn on arm(s) or hand(s)	\$200	\$200	\$250	\$300			
06A	NYCHC 89.19(i)	CRITICAL	Not properly dressed; sleeveless garment or bare midriff	\$200	\$200	\$250	\$300			
06B	NYCHC 81.13(g)	CRITICAL	Smoking, use of tobacco or electronic cigarette	\$200	\$200	\$250	\$300			

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
06B	NYCHC 81.13(h)	CRITICAL	Eating or drinking in food preparation or other areas****	\$0	\$100	\$100	\$125	\$150	
06C	NYCHC 81.07(a)	CRITICAL	Food not protected from contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(d)	CRITICAL	Food not properly protected when stored		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(e)	CRITICAL	Food not properly protected when displayed		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(i)	CRITICAL	Supplies and equipment under or near source of contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(q)	CRITICAL	Unnecessary traffic through food prep area		\$200	\$200	\$250	\$300	
06C	NYCHC 89.19(h)	CRITICAL	Condiments, seasoning, sugar, dressings: held in inadequate containers, not properly dispensed		\$200	\$200	\$250	\$300	
06C	NYCHC 89.46(a)	CRITICAL	Beverage dispensing equipment not protecting from potential contamination from customer's reusable, refillable container		\$200	\$200	\$250	\$300	
06D	NYCHC 81.27(b)	CRITICAL	Food contact surface not washed, rinsed and sanitized when required		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	CRITICAL	Ice not properly dispensed		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	CRITICAL	In-use food dispensing utensil not properly stored		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	CRITICAL	Food dispensing utensil not provided		\$200	\$200	\$250	\$300	
06F	NYCHC 81.27(c)	CRITICAL	Wiping cloth improperly stored and/or sanitized****	\$0	\$100	\$100	\$100		
06F	SSC 14-4.112(b)	CRITICAL	No test kit for measuring sanitizing solution concentration		\$200	\$200	\$200		
06J	NYCHC 81.46(a)	CRITICAL	Refillable, reusable beverage container filled with TCS foods.		\$200	\$200	\$250	\$300	
06K	24 RCNY 6-04(p)	Public Health Hazard	MFVU with food left unsecured or unattended for more than one-half hour						\$600
06L	NYCHC 89.19(d)	CRITICAL	Ice not held in manufacturer's bag				\$250		
06L	NYCHC 89.19(d)	Public Health Hazard	Ice not obtained in chipped, crushed, or cubed form or not properly packaged.				\$250		
07A	NYCHC 3.15(a)	CRITICAL	Interference or obstruction of Department personnel						\$1,000
08A	NYCHC 81.23(a)	CRITICAL	Harborage or conditions conducive to pests with pests, signs of pests				\$200	\$200	
08A	NYCHC 81.23(b)(3)	GENERAL	Door openings from outside not properly equipped when pests or signs of pests present				\$200	\$200	

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
08B	NYCHC 81.24(a)	GENERAL	Garbage receptacles not pest or water resistant; not covered with tight-fitted lids***	\$0	\$100				
08B	NYCHC 81.24(c)	GENERAL	Garbage receptacles and covers not cleaned after emptying and prior to reuse***	\$0	\$100				
08B	NYCHC 89.25(a)	GENERAL	Garbage, refuse and litter not properly removed or stored		\$200				
08B	NYCHC 89.25(a)	GENERAL	Solid and liquid waste discarded on public streets, or in public litter baskets.		\$200				
08C	NYCHC 81.17(g)	GENERAL	Toxic materials not properly stored		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.23(d)(4)	GENERAL	Open bait station used		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 89.19(k)	GENERAL	Pesticides, other toxic chemicals improperly used/stored on a MFVU.		\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	GENERAL	Dented food cans not segregated from intact packages****	\$0	\$50	\$50	\$50	\$50	
09B	NYCHC 81.09(f)	GENERAL	Thawing procedures improper		\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	GENERAL	Food contact surface improperly constructed and maintained; not easily cleanable***	\$0	\$100	\$100	\$100	\$100	
09D	24 RCNY 6-04	GENERAL	MFVU used as a dwelling, or for sleeping purposes						\$200
09E	NYCHC 81.21(c)	GENERAL	Wash hands sign not posted		\$200				
10B	24 RCNY 6-04(g)(1)	GENERAL	Potable water not protected from back-flow, back-siphonage or cross-connection***		\$100	\$100	\$100	\$100	\$100
10B	NYCHC 81.20(b)	GENERAL	Improper disposal of sewage or liquid waste***		\$100	\$100	\$100	\$100	\$100
10C	24 RCNY 6-04(c)	GENERAL	Lighting insufficient; inadequate ***	\$0	\$100	\$100	\$100	\$100	
10D	24 RCNY 6-04(d)	GENERAL	Ventilation (mechanical or natural) not provided or inadequate		\$200	\$200	\$200	\$200	
10E	24 RCNY 6-04(l)(1)	GENERAL	Accurate thermometer not provided in each hot and cold storage or holding equipment		\$200	\$200	\$200	\$200	
10E	24 RCNY 6-04(l)(2)	GENERAL	Thermometer not properly located in each hot and cold holding equipment		\$200	\$200	\$200	\$200	
10F	24 RCNY 6-04(b)(2)	GENERAL	Exterior non-food contact surfaces: unacceptable materials used		\$200	\$200	\$200	\$200	
10F	24 RCNY 6-04(b)(1)	GENERAL	Interior non-food contact surfaces: unacceptable material used, or not clean or sanitary***	\$0	\$100	\$100	\$100	\$100	

**APPENDIX 6-C: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*			
10F	NYCHC 81.17(e)(3)	GENERAL	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order***	\$0	\$100	\$100	\$100	\$100				
10G	NYCHC 81.29(a)	GENERAL	Manual sanitizing procedure inadequate					\$200				
10G	NYCHC 81.29(a)(3)(B)	GENERAL	Chemical sanitizer unapproved or sanitizing procedure inadequate					\$200				
10G	NYCHC 81.29(a)(3)(B)	GENERAL	Test kit not accurate or used for manual dishwashing					\$200				
10H	NYCHC 81.07(o)	GENERAL	Single service items improperly stored or reused					\$200		\$200	\$200	\$200
10H	NYCHC 81.07(o)	GENERAL	Drinking straws improperly dispensed					\$200		\$200	\$200	\$200
10H	NYCHC 89.23(c)	GENERAL	Single service items not provided					\$200		\$200	\$200	\$200
10H	NYCHC 89.23(c)	GENERAL	Consumer not provided with single service items.					\$200		\$200	\$200	\$200
10I	NYCHC 89.19(l)	GENERAL	Failure to clean unit at commissary or approved facility at least daily							\$200		

*Default Penalties. When a respondent is found in violation of New York City Administrative Code section 17-307 (a)(1) or (b)(1), the penalty for each violation is \$1,000 which may not be increased on default

**MOS or Multiple Offense Schedule. In accordance with New York City Administrative Code section 17-325, the Multiple Offense Schedule (MOS) applies to a subsequent violation by the same respondent, of the same section of law listed in this Penalty Schedule as subject to the "MOS" with a date of occurrence within two (2) years of the date(s) of occurrence of the first violation. The MOS is to be applied as follows: 1st Violation \$25 (default \$25); 2nd Violation \$50 (default \$50); 3rd Violation \$100 (default \$100); 4th and subsequent Violation \$250 (default \$250)

***First-time violations subject to cure. First-time violations where a monetary penalty is waived because a cure has been accepted. See § 6-23 of this Chapter.

**** First-time violation subject to a \$0 penalty.

**APPENDIX 6-C-2: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY*
16-01	NYCHC 81.08(a)	Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat		\$200
16-02	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site***	\$0	\$100
16-03	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board		\$200
16-03	NYCHC 81.50(c)	Total number of calories or total number of discrete calories not posted		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for standard menu items offered in different varieties		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for combination meals		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for toppings		\$200
16-03	NYCHC 81.50(c)	Calorie information font, appearance, term used improper		\$200
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more combinations		\$200
16-03	NYCHC 81.50(c)	Calorie information for standard menu item offered in two different combinations not posted with a slash between both calories count		\$200
16-03	NYCHC 81.50(c)	Calorie information for standard menu items that come in two different varieties not posted with a slash between both calorie count		\$200
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more different varieties		\$200
16-04	NYCHC 81.50(d)	Required nutritional succinct statements not posted on menu(s) for adults and children		\$200
16-06	NYCHC 81.50(e)	Additional nutritional information statement not posted		\$200
16-06	NYCHC 81.50(e)	Written nutritional information not provided in a manner required by Federal Law		\$200
16-08	NYCHC 81.49(b)(1)	No sodium warning icon where required		\$200
16-09	NYCHC 81.49(b)(1)	Sodium warning icon non-compliant with design specifications		\$200
16-10	NYCHC 81.49(b)(2)	No sodium warning statement at point of purchase	\$200	
18-03	NYCHC 89.05(a)	Operating a MFVU without a permit in restricted or private space	\$1,000	
18-04	NYCHC 89.05(c)	MFVU materially altered after permit decal issued.	\$1,000	

**APPENDIX 6-C-2: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY*
18-05	NYCHC 89.07(a)	Operating a MFVU without a license in restricted or private space		\$1,000
18-06	NYCHC 89.13(g)	Allowing unlicensed person to vend		\$1,000
18-07	24 RCNY 6-04(b)(3)	Unobstructed space not provided for posting of permit-decal and grade card		\$500
18-09	NYCHC 89.07(d)	Failure to display license and/or permit documentation		\$200
18-12	NYCHC 3.19	Department document unlawfully reproduced or altered		\$1,000
18-13	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner or Department		\$1,000
18-14	NYCHC 3.17	Notice, Order or other posted material of the Department mutilated, obstructed, or removed		\$1,000
18-15	NYCHC 81.43(a)	Foodborne illness; failure to notify Department		\$200
18-16	NYCHC 89.13(a)	Failure to permit inspection or present unit at time and place designated by the Department		\$1,000
18-17	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered		\$1,000
19-05	Admin. Code § 16-401(b)	Providing single-use plastic stirrers or single-use plastic splash sticks		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
19-06	Admin. Code § 16- 401(c)(1)	Providing single-use, non-compostable plastic straws to customers without customer request (including providing such straws at a self-serve station)		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
19-07	Admin. Code § 16- 401(c)(2)	Failure to maintain a sufficient supply of single-use, non-compostable plastic straws		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)

**APPENDIX 6-C-2: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY*
19-08	Admin. Code § 16- 401(c)(2)	Failure to provide a single-use, non-compostable plastic straw upon request		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
19-09	Admin. Code § 16- 401(c)(2)	Charging a customer for a single-use, non-compostable plastic straw that the customer has requested or inquiring as to the reason a customer has requested such plastic straw		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
19-10	Admin. Code § 16- 401(c)(3)	Failure to display required signage about plastic straw availability		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
19-11	Admin. Code § 16-401(d)	Providing compostable plastic straws to be used outside of the food establishment’s premises; failure to appropriately dispose of compostable plastic straws; failure to maintain required bins for disposal of compostable plastic straws		\$100 (1st violation); \$200 (2nd violation); \$400 (3rd and subsequent violations in 12 months)
20-06	24 RCNY 6-19	Current letter grade or Grade Pending card not posted		\$500
20-07	24 RCNY 6-20(b)	Current letter grade or Grade Pending card removed, destroyed, modified, obscured, or otherwise tampered with		\$1,000
22-05	24 RCNY 6-21(b)	Operating without a location sharing device		\$1,000
22-05	24 RCNY 6-21(c)	Location sharing device removed, obstructed, disposed of, modified or tampered with		\$1,000
22-06	24 RCNY §6-03(b)	Vending non-food items		\$200
22-10	NYCHC 89.23(b)	Vending from any place other than a MFVU		\$200
28-01	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 or liquefied petroleum gas (LPG) containers	\$1,000	

**APPENDIX 6-C-2: MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE
UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY*
28-01	NYCHC 3.09	Failure to abate or remediate nuisance		\$1,000
28-02	NYCHC 81.07(p)	Microwave safe container not marked or used		\$200
28-03	24 RCNY 6-04(c)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage		\$200
28-04	NYCHC 89.25(c)	Failure to remove consumer litter, and food spillage caused by the operation		\$200
28-05	NYCHC 71.05	Food adulterated or misbranded		\$500
28-05	NYCHC 71.06(a)	Labeling information required by applicable law not maintained in English.		\$500
28-06	NYCHC 81.23(b)(2)	Contract with pest management professional, record of pest extermination activities not kept on premises		\$100
28-07	NYCHC 81.31	Unauthorized FSE street, sidewalk cooking		\$350
28-08	24 RCNY 6-06(a)	MFVU exceeds size requirements	\$200	

*Default Penalties. When a respondent is found in default, the penalty for each violation of the Health Code or the State Public Health Law must be doubled, except that in no case may the penalty imposed exceed \$2000.

Except when this Appendix states that a violation is subject to the Multiple Offense Schedule (MOS), the penalty to be imposed upon a respondent found in default for any violation of the rules of the Department in 24 RCNY must be doubled, but may not exceed \$1,000.

When a respondent is found in default for any violation of the New York City Administrative Code or the New York State Sanitary Code, the penalty shall remain the same as that set forth herein.

APPENDIX 6-C-3
MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE VIOLATIONS
ADMINISTRATIVE CODE AND MULTIPLE OFFENSE SCHEDULE (MOS)

CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED	PENALTY*
Admin. Code 16-329(c)	Possess, sell expanded polystyrene (EPS) single service articles		\$100 (1st violation); \$250 (2nd violation); \$500 (3rd and subsequent violations in 12 months)
Admin. Code 17-307(a)(1)	Unlicensed mobile food vendor (public space)		\$1,000
Admin. Code 17-307(b)(1)	Unpermitted MFVU (public space)		\$1,000
Admin. Code 17-307(b)(1)	Vending food other than fresh fruits and vegetables		\$1,000
Admin. Code 17-307(d)	Vending of unapproved items		MOS**
Admin. Code 17-307.1(a)(1)	Vending without supervisory license holder		\$1,000
Admin. Code 17-307.1(a)(2)	Vending outside geographical restrictions of supervisory license		\$1,000
Admin. Code 17-311	Failure to display license and/or permit***	\$0	MOS**
Admin. Code 17-311(d)	Green Cart vendor failed to carry map showing authorized vending areas***	\$0	MOS**
Admin. Code 17-315(a)	MFVU on sidewalk less than 12 feet, or not at curb***	\$0	MOS**
Admin. Code 17-315(b)	Pushcart touching against building***	\$0	MOS**
Admin. Code 17-315(c)	Items not kept in MFVU (except waste container)		MOS
Admin. Code 17-315(d)	Pushcart against display window or within 20 feet of entrance of any building or within 20 feet from exits, including service exits, to buildings that are exclusively residential at street level		MOS
Admin. Code 17-315(e)	Vending in: bus stop, sidewalk next to a hospital or health facility, no standing zone or within 10 feet of a driveway, subway, crosswalk		MOS
Admin. Code 17-315(h)	Vending on median strip, which is not intended for mall or plaza		MOS
Admin. Code 17-315(i)	Unapproved vending within Parks Department jurisdiction		MOS
Admin. Code 17-315(k), (l)	Vending at time/place prohibited		MOS

***Default Penalties.** When a respondent is found in violation of New York City Administrative Code section 17-307(a)(1) or (b)(1), the penalty for each violation is \$1,000 which may not be increased on default.

****MOS or Multiple Offense Schedule.** In accordance with New York City Administrative Code section 17-325, the Multiple Offense Schedule (MOS) applies to a subsequent violation by the same respondent, of the same section of law listed in this Penalty Schedule as subject to the "MOS" with a date of occurrence within two (2) years of the date(s) of occurrence of the first violation. The MOS is to be applied as follows:

1st Violation \$25 (default \$25); 2nd Violation \$50 (default \$50); 3rd Violation \$100 (default \$100); 4th and subsequent Violation \$250 (default \$250).

*****First-time violations subject to cure.** First-time violations where a monetary penalty is waived because a cure has been accepted. See section 6-23 of this Chapter.

****** First-time violation subject to a \$0 penalty.**