

WHAT **MOBILE FOOD VENDORS** SHOULD KNOW



This guide will help you operate your mobile food vending unit (**pushcart or motor vehicle, including trucks**) safely and legally. Keep your staff and customers safe from foodborne illness and avoid common violations.



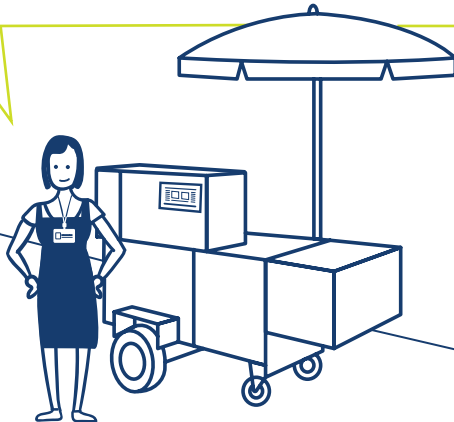
Call NYC Health Department at **212-676-1600** for more information.

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To find this guide in other languages, visit nyc.gov/health/mobilefoodvending.

Please note that this guide applies to mobile food vendors in New York City. We value your input and want this to be a useful resource. If you have any questions or feedback, please contact **212-676-1600** or email mfvinspections@health.nyc.gov.



I. Introduction

It's important to follow all regulations and laws when operating your mobile food vending unit. The Health Code and Administrative Code outline everything the Health Department requires—from food safety requirements to unit placement—to make sure that your mobile food vending unit operates safely.

This guide offers the basics. For more details, consult the Mobile Food Vendor's Orange Book, which contains Health Code Article 81, "Food Safety," and Rules of the City of New York Chapter 6, "Food Units."

II. Inspections

The Health Department is required to inspect mobile food vending units at least once a year to make sure they are complying with the law. Inspections are also conducted:

- For permit renewal
- In response to complaints or other reports of violations
- To follow up on an order issued by the Health Commissioner to correct a violation

At the end of the inspection, the inspector will give the mobile food vendor an electronic report of any violations. All violations must be corrected immediately. This report is also mailed to the permit holder.

III. Notice of Violation (Summons)

If you have violations, you may receive a Notice of Violation (NOV), which:

- Notifies the permit holder of the opportunity to attend a hearing at the Office of Administrative Trials and Hearings (Environmental Control Board Hearings Division) and gives the date, time and location of the hearing
- Provides information on how to respond to the NOV
- Informs the permit holder that he or she may submit evidence to challenge the Health Department's findings, provide a defense and/or show compliance

IV. What You Should Know about Your Permit, Decal and License

- Licenses, permits and decals cannot be sold, rented or given to another person.
- Vendors must always carry a current **permit** “paper.” (You may not be able to renew your permit if you owe fines.)
- To sell food, a mobile food vending unit must have a current **decal** on it.
- To sell food, a mobile food vendor must have a current mobile food vending **license**.
- Vendors must wear their license so it can be seen by the public at all times.



WHO IS ALLOWED TO VEND?

- Only vendors who are licensed and authorized by the permit holder may sell food or drinks. The permit holder must submit a notarized "Mobile Food Vending Unit Permit Holder: Authorized Vendor List" form to the Health Department.

WHAT DOES THE PERMIT HOLDER HAVE TO DO?

- Permit holders must responsibly operate and supervise their food vending unit at all times.
- Permit holders are responsible for any violations, regardless of who is vending.
- Permit holders are responsible for paying any fines. All mobile food vending violations will be given to the permit holder.



NYC ISSUES **6** DIFFERENT TYPES OF MOBILE FOOD VENDING PERMITS. THESE PERMITS HAVE DIFFERENT REGULATIONS:

CITYWIDE PERMIT

C4089

Vending allowed

- On public streets
- In every borough
- Year round

Permit holder must renew the permit every two years

2,900 permits in total

100 permits are set aside for people who are veterans, disabled or disabled veterans.



TEMPORARY (SEASONAL) PERMIT

C4089

Vending allowed

- On public streets
- In every borough
- From April 1 to October 31

Permit holder must renew the permit every year

1,000 permits in total



BOROUGH-SPECIFIC PERMIT

C4089

Vending allowed

- On public streets
- In the Bronx, Brooklyn, Queens or Staten Island
- Year round

Permit holder must renew the permit every two years

200 permits in total (50 for each borough)



FRESH FRUIT & VEGETABLES (Green Cart) Permit

C4089

Vending allowed

- For whole fresh fruits and vegetables only
- On public streets
- In every borough but limited to designated police precincts
- Year round



Permit holder must renew the permit every two years
1,000 permits in total



RESTRICTED AREA PERMIT

C4089

Vending allowed

- On private property; requires a lease agreement from the private-property owner



Renewed for two years or less,
depending on the lease agreement

No limit on the number of permits



SPECIALIZED VENDOR PERMIT

(see State General Business Law 35A)*

C4089

Vending allowed

- Along the perimeter of NYC Parks property
- Year round



Specialized vendor license required;
only disabled veterans eligible

No limit on the number of permits



* Find out more about Specialized Vendor permits online at nyc.gov/health/mobilefood.



V. Equipment and Size Requirements for Your Mobile Food Vending Unit

When your mobile food vending unit was issued its decal, it met the below requirements to safely operate and serve food.

EQUIPMENT NEEDED FOR DIFFERENT TYPES OF FOOD PREPARATION:

For fried or grilled sausages, poultry, fish, shish kebabs, hamburgers, eggs and gyros:

- ✓ Potable water (water that is safe to drink)
- ✓ Sinks for washing food and cooking tools
- ✓ Hand wash sink
- ✓ Wastewater tank
- ✓ Overhead structure (e.g., overhang or umbrella)
- ✓ Ventilation
- ✓ Cold holding
- ✓ Hot holding
- ✓ Thermometers

Prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruit and vegetables:

- ✓ Wastewater tank
- ✓ Overhead structure (e.g., overhang or umbrella)
- ✓ Cold holding
- ✓ Hot holding
- ✓ Thermometers

Boiled frankfurters or sausages and knishes:

- ✓ Potable water (water that is safe to drink)
- ✓ Wastewater tank
- ✓ Ventilation
- ✓ Thermometers
- ✓ Overhead structure (e.g., overhang or umbrella)
- ✓ Cold holding
- ✓ Hot holding

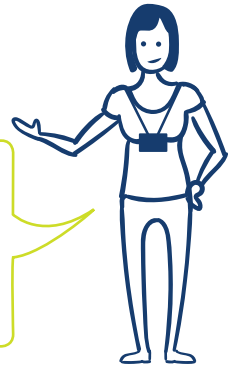
Sandwiches, raw fruits, vegetable salads, breads, bagels or rolls buttered or topped with cream cheese, smoothies and soft-serve ice cream:

- ✓ Potable water (water that is safe to drink)
- ✓ Sinks for washing food and cooking tools
- ✓ Hand wash sink
- ✓ Wastewater tank
- ✓ Overhead structure (e.g., overhang or umbrella)
- ✓ Ventilation
- ✓ Cold holding
- ✓ Hot holding
- ✓ Thermometers

Brewed coffee or tea, donuts, pastries, bagels or rolls buttered or topped with cream cheese, popcorn, cotton candy, plain or candied nuts, soft pretzels and chestnuts

- ✓ Potable water (water that is safe to drink)
- ✓ Wastewater tank
- ✓ Overhead structure (e.g., overhang or umbrella)
- ✓ Ventilation

REMEMBER: Vendors may not change their unit after the pre-permit inspection (e.g., the size, adding accessories, etc.). If you make a change to your unit, you must be reinspected immediately.



GLOSSARY:

Cold Holding – Mechanical refrigeration equipment used to keep foods being stored or held for service at or below 41 degrees F. Some mobile food units with limited food items and little to no food preparation or cooking, such as hot dog and Italian ice carts may use ice for keeping foods and drinks cold instead. Melting ice must be drained to reduce the potential for contamination.

Culinary (Food Preparation) Sink – A sink used only for preparing food.

Hand Wash Sink – A sink used only for washing your hands. You may not use this sink for cleaning utensils or preparing food.

Hot Holding – Equipment used to keep foods being stored or held for service at or above 140 degrees F. Hot-holding equipment includes steam tables or food warmers. Cooking equipment such as a grill or oven is not hot-holding equipment.

Overhead Structure – A structure such as an overhang, roof, canopy, umbrella or similar device that protects the food and equipment on the mobile food vending unit from contamination.

Potable Water – Water that is safe to drink. Mobile food vending units that prepare food are required to have potable water for washing hands and cleaning food and cooking tools. Units that do not prepare food, such as fruit and vegetable carts, do not require potable water.

Thermometers – Equipment that measures the temperature of the food and the cold-and hot-holding equipment, including thermometers and thermocouples. Thermometers used for food must be able to measure the temperature ranges for the types of foods prepared and served on the mobile food unit. Thermometers must be used in cold-holding units and be placed in the warmest part of cold holding to measure the temperature. Thermometers used to measure the temperature of food in hot-holding equipment must be placed to measure the temperature in the coolest part of such equipment.

Three-Compartment Sink – A sink with at least three basins to wash, rinse and sanitize your cooking tools. You may clean food in this sink also.

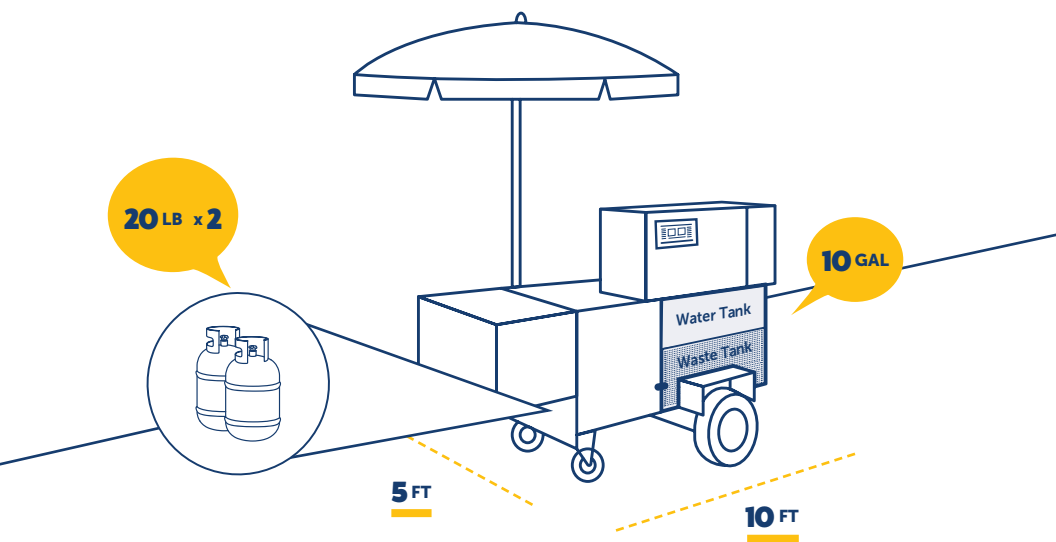
Ventilation – Mechanical equipment, usually a hood with an electric fan and removable grease filters, used to prevent grease, steam, smoke, odors and fumes from collecting inside, outside or on the mobile food vending unit and contaminating food or causing a nuisance.

Wastewater Tank – A metal or plastic tank for storing wastewater from your food operation. The tank must be durable, corrosion resistant and nonabsorbent, with a smooth and easily cleanable surface. It must have 15 percent more capacity than the drinking water supply tanks: at least an 11.5 gallon tank for carts and at least a 46-gallon tank for trucks.

Water Supply Tank – A tank for storing drinking water for your mobile food unit. The tank must be made of metal, food-grade plastic or other materials that are durable, corrosion resistant and nonabsorbent. It must have a smooth and easily cleanable surface. Carts that require drinking water must have at least a 10-gallon tank and trucks must have at least a 40-gallon tank.

OTHER REQUIREMENTS FOR YOUR MOBILE FOOD VENDING UNIT:

Mobile food vending units, including sidewalk trailers and pushcarts, **may not be larger than 5 feet wide and 10 feet long (5'X 10')**. This includes all pushcart attachments and overhead structures.



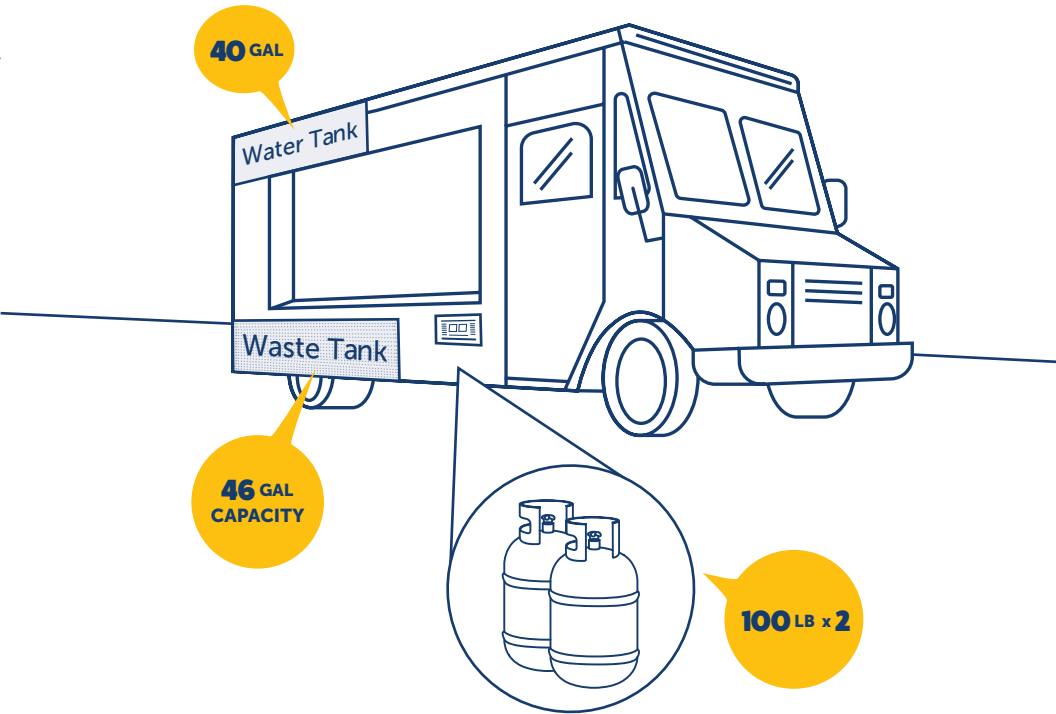
If you prepare food on a pushcart, you must have:

- A tank for drinking water that holds at least **10 gallons**.
- A wastewater tank that holds **15 percent** more liquid than the drinking water tank (for example, at least 11.5 gallons for a 10 gallon drinking water tank) to store dirty water.

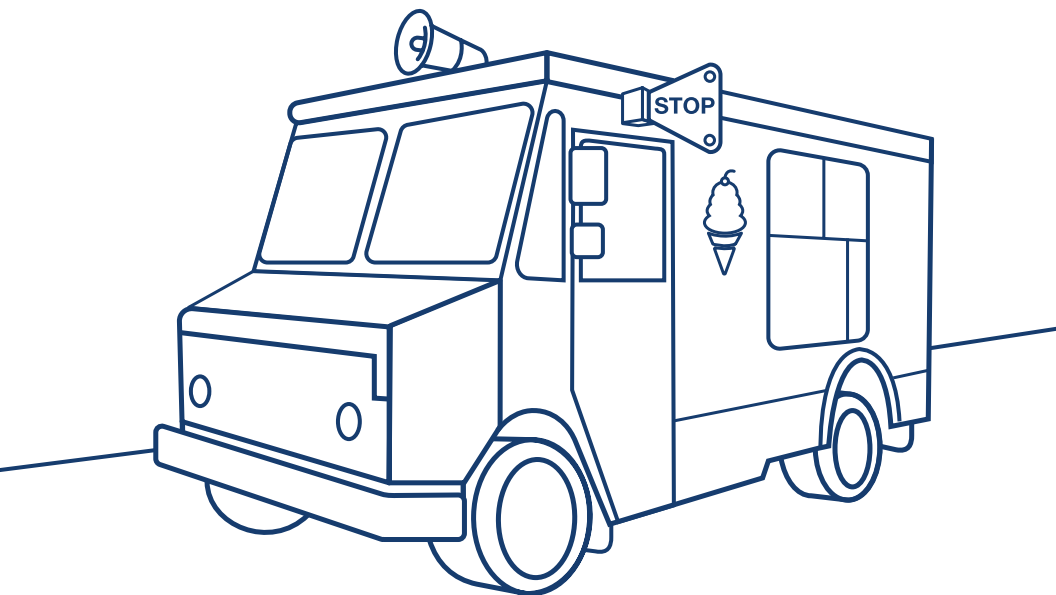
If you prepare food on a truck, you must have:

- A tank for drinking water that holds at least **40 gallons**.
- A wastewater tank that holds **15 percent** more liquid than the drinking water tank (for example, at least 46 gallons for a 40 gallon drinking water tank) to store dirty water.
- A partition between the cab and the food preparation area.

If you prepare food on your unit, you may have two propane tanks that weigh up to **100 pounds each for trucks** and up to **20 pounds each for pushcarts**.



Ice cream trucks must have a signage arm (a stop sign that swings out) and warning beepers.



NOTE: Mobile food vending **trucks** are subject to New York State motor vehicle laws. Please check with New York State for details on approved sizes for vehicles online at <https://dmv.ny.gov/> or by phone at **518-473-5595**

VI. Service and Storage Facilities

COMMISSARIES:

Commissaries are places where you store, set up and clean your unit. Commissaries must have a permit from the New York City Health Department.

All commissaries should provide the following:



Cleaning and sanitizing equipment, including sinks



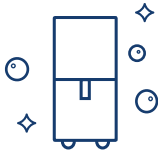
Potable water (water that is safe to drink)



Equipment for the disposal of liquid and solid waste



Storage space for vending units



Separate and enclosed areas for washing mobile food vending units



Food preparation areas and supplies



Food storage equipment



Propane storage space approved by the New York City Fire Department (FDNY)



Daily logs

Commissaries, and other approved facilities, must keep daily records of vendor use. These records must identify vending units by permit or decal number. Records must include the date and time the facilities were used and for what purpose.

WHAT YOU SHOULD DO AT YOUR COMMISSARY:

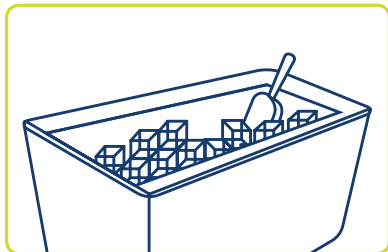


- You must store your food vending unit at a commissary, depot or alternate approved facility, not at home. The only exceptions are Green Carts and units that sell only prepackaged foods.
- You must clean and service your food vending unit at least once every day. This must be done at the commissary or at another place approved by the Health Department.
- You must prepare your food at a commissary using the commissary's food preparation facilities. All foods, including ice, must be purchased from sources that comply with federal, State and City laws. You must also buy already-prepared foods at the commissary to sell on your unit.
Remember: Only prepare food that your permit allows.

Before leaving the commissary for vending remember to:



Completely fill your fresh water tank for food prep, hand washing and utensil washing.



Store enough ice to keep all food cold, if mechanical refrigeration is not allowed on your food vending unit.



Store enough soap and paper towels for your hand wash sink.



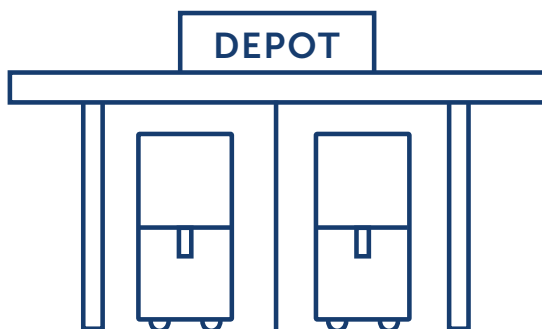
Store enough clean utensils for the day unless you have sinks to clean them on your unit.



Empty your liquid waste tank.



Get your propane.



Depots are only for storing your mobile food vending unit. They are usually a garage. **Depots must have a permit from the Health Department.**

- No food may be stored at a depot.
- Cleaning mobile food vending units and removing waste are **not** allowed at a depot. You must bring your unit to the commissary in order to clean and wash it as well as throw away garbage and waste.



NOTE: To get a free copy of a commissary's or depot's most recent inspection report, contact the Mobile Food Vending Inspection program at **646-632-6203** or email **mfvinspections@health.nyc.gov**.

ALTERNATIVE SERVICE AND STORAGE FACILITY:

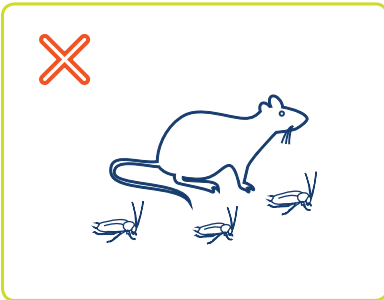
Owners of units that sell only prepackaged food or whole fruits and vegetables (e.g., Green Carts) may request an alternative service and storage facility, such as a private garage. Permit holders of these types of units must apply to the Health Department to approve an alternative facility.



Each alternative service and storage facility may store up to four pushcarts or one vehicle (truck).



The facility must provide potable water (water that is safe to drink).

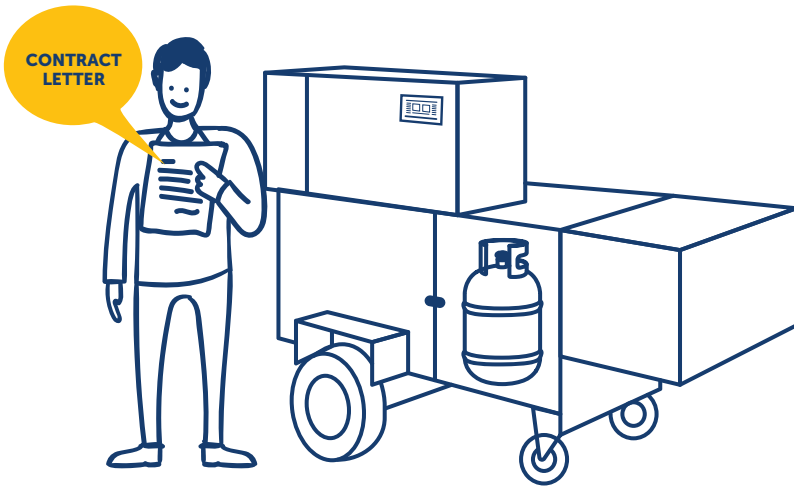


The facility must be pest-free.



The facility may not be used to prepare or store food.

VII. Daily Practice: Traveling to Your Vending Location

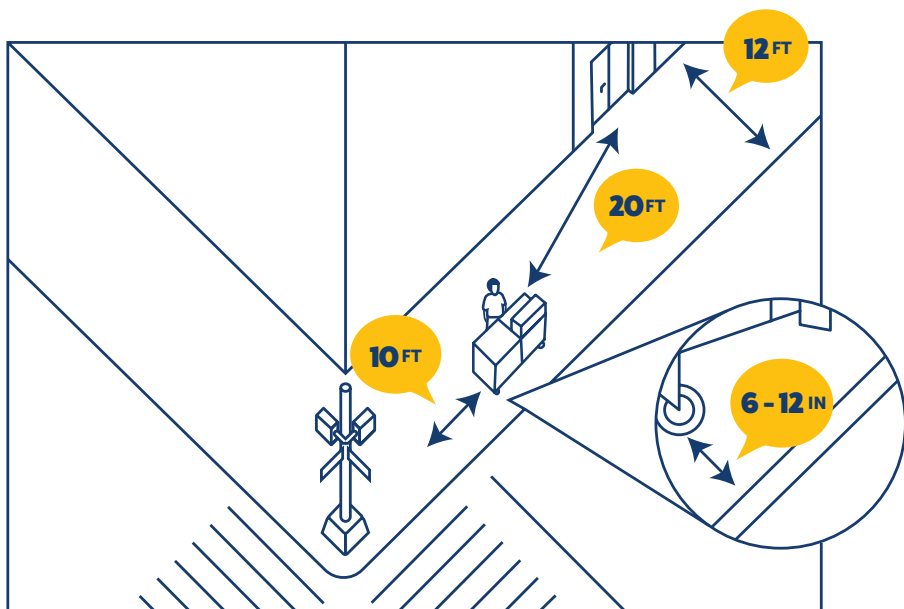


- Before leaving the commissary, make sure you have proof of where you bought your food and have your commissary contract letter readily available.
- All items must be securely attached and stored on your cart or truck while traveling to your location.
- Propane tanks must be disconnected and safely stored in your cart or truck while traveling. Propane tanks are only connected by a person with an FDNY Certificate of Fitness when you arrive at your location.
- You may not cook, heat water or conduct any other food preparation while traveling to your location.
- Ice cream trucks may only play music while moving.

VIII. Daily Practice: Choosing and Setting Up Your Vending Operation

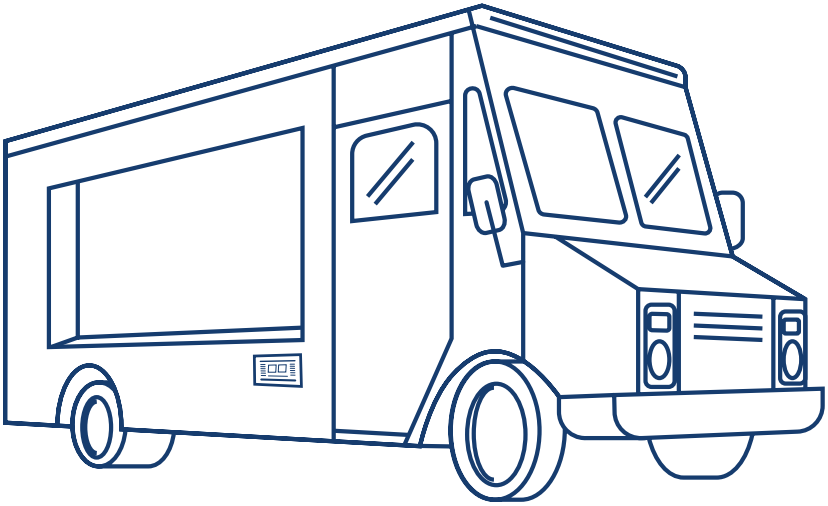
WHERE TO SET UP YOUR MOBILE FOOD VENDING UNIT:

Pushcarts:



- Set up your pushcart on a sidewalk that is **at least 12 feet wide**.
- Set up your unit within **6-12 inches** of the curb.
- Set up your unit at least **10 feet** from any crosswalk, driveway or subway entrance/exit.
- Your unit must be at least **20 feet** from a building's entrance or exit.
- Your unit may not be in a bus stop or hospital "No Standing" zone.

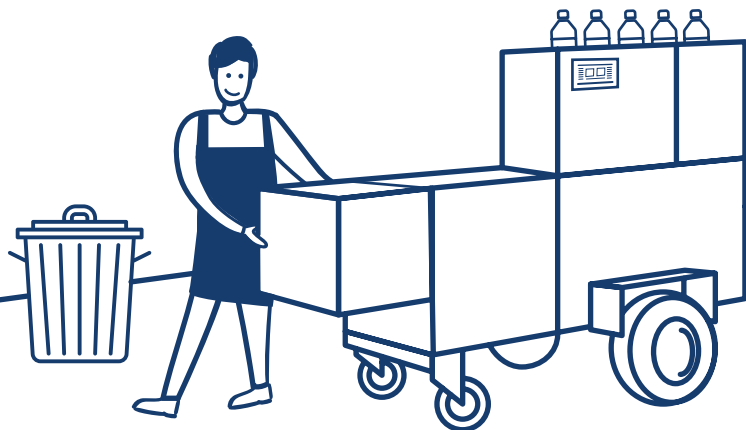
- You may not sell on a street that is restricted or otherwise prohibited from vending. You can find the list of restricted streets at [nyc.gov/health/mobilefoodvending](https://www.nyc.gov/health/mobilefoodvending).



Vehicles (Including Trucks):

- You must obey the same placement regulations as mobile food vending carts.
- Your vehicle must have a current Department of Motor Vehicles (DMV) registration, an inspection sticker and insurance.
- You must obey all traffic regulations.
- You may not vend at parking meters.
- You may not idle engines.

HOW TO SET UP YOUR MOBILE FOOD VENDING UNIT:



- **Do not block the sidewalk** with your equipment or supplies when setting up your unit.
- Store all non-food items inside, under or above your unit.
- Do not store anything next to your unit on the sidewalk **except a garbage container**.
- **Do not** add any parts to your unit that were not approved during your pre-permit inspection, especially if the part would make your cart larger than **5 feet wide** and **10 feet long**.

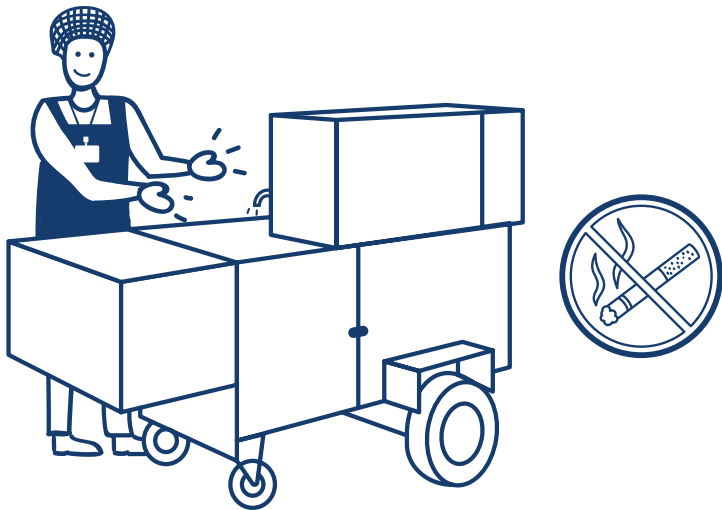
- **Protect food from contamination**, including dust and dirt, flying insects, birds, other animals and people.
- Have a **person with an FDNY Certificate of Fitness connect your propane tank(s)** to your cooking equipment when you arrive at your vending location.



IMPORTANT: Do not leave your cart or truck on the street overnight or leave it unattended at any time while food is in the unit.

IX. How to Safely Prepare, Hold and Serve Food

**PERSONAL HYGIENE IS VERY IMPORTANT.
FOLLOW THESE GUIDELINES:**



- You must be fully clothed at all times.
- You must wear a hair cover that hides your hair completely, for example: a hat, scarf or hairnet.
- You must wash your hands before preparing or serving any food.
- You must wash your hands after: using the bathroom; sneezing; smoking; touching your hair, body or clothing; handling money; cleaning your cart or truck, handling garbage and preparing raw food and meat.
- You may not smoke while vending.

TO AVOID SPREADING ILLNESS TO YOUR CUSTOMERS, FOLLOW THESE RULES:



Make sure to cook foods that require time and temperature controls for safety (TCS) to the proper temperatures. These foods include hot dogs, sausages, gyros, lamb, fried chicken, empanadas, rice and vegetables.*



Poultry **165 degrees F or higher**
Pork **150 degrees F or higher**
Ground meat **158 degrees F or higher**
Eggs/egg products **145 degrees F or higher**
All other foods **140 degrees F or higher**



Store cold food, such as raw meat, dairy, salads and other ready-to-eat foods, **at or below 41 degrees F.**



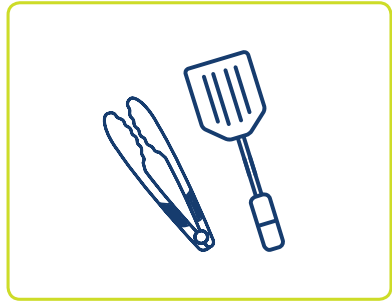
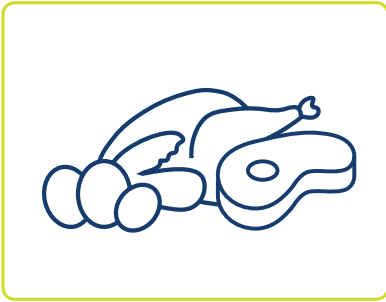
Never touch ready-to-eat foods with bare hands. Always use a barrier to serve ready-to-eat food, such as tongs, gloves or deli paper.



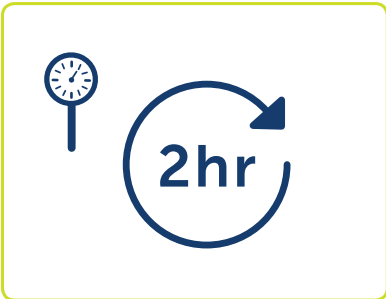
If your food is already prepared and packaged in a container, bag or wrapper, you do not need to use a serving barrier.

* Some foods are known as "time and temperature controlled for safety" foods—TCS for short. These are foods that can grow bacteria and make people sick if they are not kept at the right temperature.

- **Don't cross-contaminate; use separate utensils for raw and cooked food.** Raw animal foods, such as meat, poultry, seafood, eggs and unpasteurized milk products, can contain germs that cause disease. These germs can pass from food, hands, utensils and food preparation surfaces to other foods.



- Use separate utensils for raw and cooked food.
- Use a thermometer to check your hot and cold food temperatures at least every two hours.
- Condiments must be served in individual packets or directly from a container.

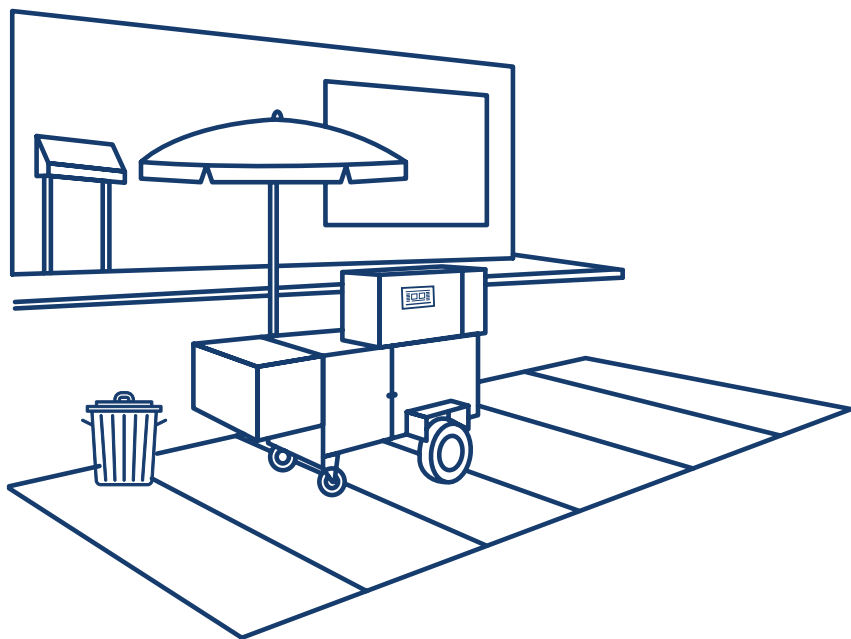




Ice and ice-storage units

- All ice must come from approved sources.
- All ice used for drinking or eating must clearly state the ice manufacturer on the packaging.
- Ice used for drinking or eating must be stored in a clean, easily cleanable closed container made of approved food-grade materials.
- All ice must be dispensed using an ice scoop that has a handle long enough to prevent bare-handed contact.
- Scoops may be stored in the ice with the handle up and out of the ice.
- Scoops may also be stored on a clean surface protected from contaminants, including dust and dirt, flying insects, birds, other animals and people.
- Ice used to keep food and drinks cold may not be used in drinks or food. Coolant ice is not safe for eating or drinking.
- Packaged foods, including drinks, may be stored in ice. Melting ice must be drained to reduce the potential for contamination.

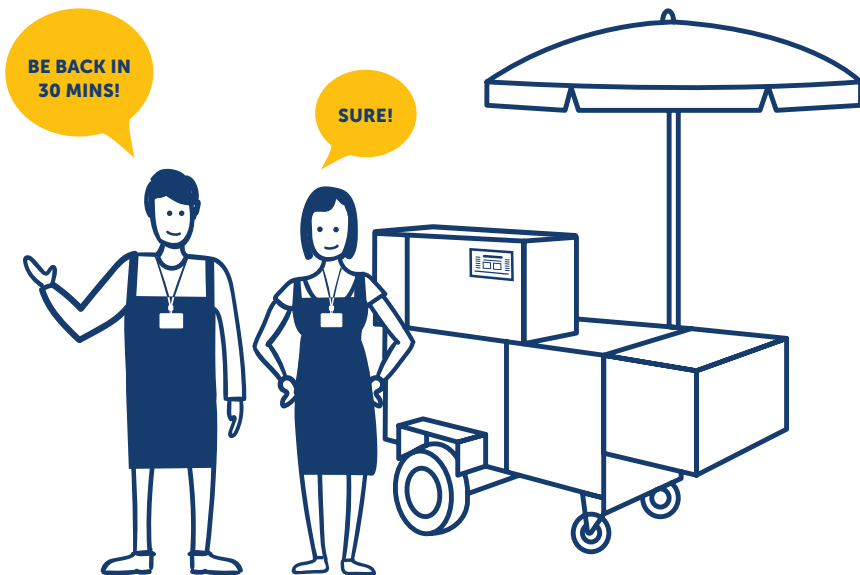
Other guidelines for operating your mobile food vending unit:



- Keep the area right around your cart or truck clean and litter free. If any spills or messes occur near your unit, clean them immediately! **Garbage and liquid waste should not be thrown away on public streets or sidewalks or in a public trash can.**
- Have a person with an FDNY Certificate of Fitness change your propane tank(s) as needed.
- When you need more fresh water or supplies go back to the commissary. At the commissary you can resupply fresh water, resupply food items, wash utensils, empty wastewater and dispose of garbage.

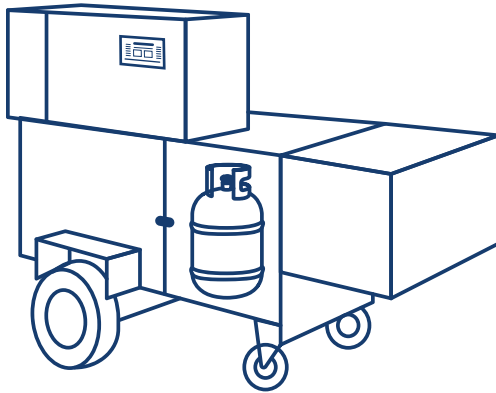
If you need to leave your unit to use the bathroom or get supplies from a local store, please do one of the following:

- Have another licensed vendor operate your unit until you return.
- Have an unlicensed person remain with your unit **but** make sure to
 - ✓ Shut down your cooking equipment.
 - ✓ Properly and securely store all food.
 - ✓ Close and lock your unit to so no one tampers with it.
 - ✓ Return within 30 minutes.



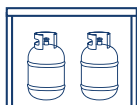
X. Shutting Down Your Vending Operation for the Day

WHEN YOU CLOSE YOUR UNIT FOR THE DAY:



- Store cooking grease in leak-proof containers and throw the grease away at the commissary.
- Make sure all food being returned to the commissary is stored properly and protected to avoid contamination. For example:
 - ✓ All cooked food must be properly cooled or discarded.
 - ✓ All uncooked, time and temperature controlled food must be kept **at or below 41 degrees F**.
 - ✓ All cold food must be stored **at or below 41 degrees F**.
- Have a person with an FDNY Certificate of Fitness disconnect your propane tank(s) from your cooking equipment.
- Store your propane tank(s) securely in or on your unit during transportation.

RETURN YOUR UNIT TO THE COMMISSARY AND REMEMBER:



Do not leave any propane tanks on your unit. Return all propane tanks to the commissary's propane storage area.



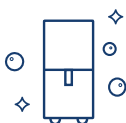
Do not leave any food on your unit. Return all foods to dry or refrigerated storage.



Clean all utensils and cookware using the commissary's dishwashing facilities.



Store all non-food supplies (including utensils and cookware) securely to avoid contamination.



Clean the inside and outside of your unit using the commissary's facilities.



Put garbage and liquid waste in the commissary's waste-disposal facilities.

Mobile Food Vending: Keep Your Customers Safe and Avoid Common Violations

Keep Clean and Wash Hands

- ✓ Wear clean clothes and change aprons or other outer garments when they get dirty or contaminated with raw meat.
- ✓ Wear a hat or other head covering that keeps your hair off your face and out of the way.
- ✓ If you prepare and cook raw or other potentially hazardous foods, make sure the hand wash sink is working and that soap and paper towels or napkins are nearby.

Hold Food at the Proper Temperatures

- ✓ Keep cold food below 41 degrees F and keep hot food above 140 degrees F.
- ✓ Review Health Department rules for temperature-holding requirements.
- ✓ Be sure equipment used to hold hot and cold food is working properly.
- ✓ Use thermometers to monitor the temperature of foods in hot or cold storage often.

Protect Food from Contamination

- ✓ Keep food covered until served.
- ✓ Keep food separated by temperature and type. Avoid cross-contamination by storing raw potentially hazardous foods (e.g., raw poultry) separately from ready-to-eat items (e.g., salad mix).

Maintain All Non-Food Surfaces

- ✓ Review Health Department rules on acceptable non-food materials; surfaces should be smooth, hard, non-absorbent and easily cleanable.
- ✓ Keep all surfaces clean and in good condition (i.e., no holes, cracks or openings).

Wear Your Mobile Food Vending License

- ✔ Make sure everyone on the unit has a valid Mobile Food Vending License.
- ✔ Wear the license so your customers can see it at all times while vending.

Display the Mobile Food Vending Permit and Decal

- ✔ Check that the unit has a current valid permit readily available for inspection.
- ✔ Make sure the unit has a current valid decal attached to the outside of the unit where customers can see it.

Place the Vending Unit Only Where Allowed

- ✔ Review placement requirements.
- ✔ Measure the distance from the outer edge of the vending unit to the nearest entrance of any nearby buildings, stores, theaters, sports arenas or other public place. The distance must be at least 20 feet.
- ✔ Measure the distance from the outer edge of the vending unit to the closest crosswalk, subway entrance or bus stop. The distance must be at least 10 feet.
- ✔ Be sure the vending unit is on the street and right next to the edge of the sidewalk—no more than 6 inches away at most.
- ✔ Do not place the vending unit on any sidewalk that is less than 12 feet wide.
- ✔ Do not place the vending unit on any street that is restricted to vending by law.

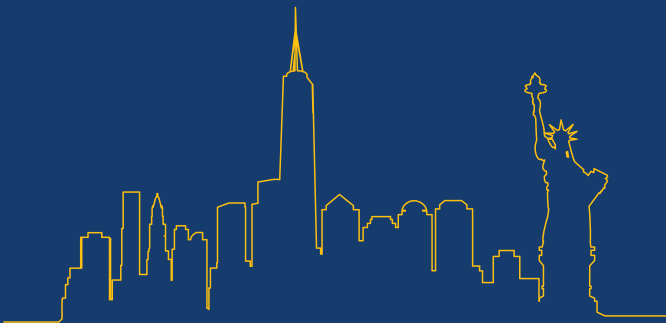
OTHER QUESTIONS OR CONCERNS?
Call the Health Department at
212-676-1600





FOR MORE INFORMATION:

Call **311** or **212-676-1600**



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