

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NUMBER _____

AN ORDINANCE OF FRESNO COUNTY, STATE OF CALIFORNIA, TO
ADD CHAPTER 8.51 TO TITLE 8 OF THE FRESNO COUNTY ORDINANCE
CODE, RELATED TO MICROENTERPRISE HOME KITCHEN OPERATIONS

The Board of Supervisors of the County of Fresno ordains as follows:

Section 1. FINDINGS. The Board of Supervisors of the County of Fresno hereby
finds and declares as follows:

WHEREAS, Fresno County seeks new economic opportunities for home cooks, to
expand local food options, and to provide easier entry into the retail food business for
individuals.

WHEREAS, there is no existing County ordinance that permits, regulates or
enforces microenterprise home kitchen operations; and

WHEREAS, the County Board of Supervisors shall allow a Microenterprise Home
Kitchen Operation (MEHKO) pilot program for private residences to develop, permit, and
operate MEHKOs within Fresno County.

Section 2. The Ordinance Code of the County of Fresno is hereby amended by
adding Chapter 8.51 to Title 8 to read as follows:

Chapter 8.51 – MICROENTERPRISE HOME KITCHEN OPERATIONS

Section 8.51.010 – Purpose.

The purpose of this chapter is to establish local rules and regulations for a two-
year MEHKO pilot program in Fresno County for up to 66 MEHKO permits. The
microenterprise home kitchen operation permit will allow small-scale entrepreneurs entry
into the retail food economy and will help provide them with access to guidelines,
training, and safety resources. This two-year MEHKO pilot program will help the County
of Fresno evaluate if a MEHKO program is beneficial to the community and viable long

1 term. The two year pilot term will commence on actual date of implementation which is
2 planned to be January 2027.

3
4 Section 8.51.020 – Area of Application.

5 A. This chapter implements, and incorporates by reference, the California
6 Retail Food Code (CRFC) as it applies to Microenterprise Home Kitchen
7 Operations (MEHKOs) codified as California HSC Sections 113789, 113825,
8 114367, 114367.1 - 114367.6 & 114390. The requirements of this chapter are
9 applicable County-wide. MEHKOs are also subject to the applicable requirements
10 of the CRFC, unless specifically exempted under State law. In case of any
11 inconsistency between a provision of this chapter and an applicable provision of
12 the CRFC, the CRFC provision takes precedence.

13
14 Section 8.51.030 – Definitions

15 As used in this chapter:

16 A. "Applicant" means a resident of the home identified on the MEHKO permit
17 application.

18 B. "Application" or "health permit application" means the process of
19 completing the Department's forms, paying the required fees, and participating in
20 a home evaluation and inspections as necessary to complete the health permitting
21 process.

22 C. "California Retail Food Code" means Part 7 of Division 104 of the
23 California Health and Safety Code, commencing with Section 113700.

24 D. "Cottage food operation" means a home-based food service enterprise as
25 defined in Section 113758 of the California Retail Food Code and operated
26 pursuant to Chapter 11.5 of the California Retail Food Code.

27 E. "Department" or "enforcement agency" means the Environmental Health
28 Division of the County of Fresno Department of Public Health.

29 F. "Enforcement officer" means a person employed and authorized by the
30 County of Fresno Department of Public Health to conduct environmental health
31 inspections.

1 G. "Food preparation" means packaging, processing, assembling, portioning,
2 or any operation that changes the form, flavor, or consistency of food, but does
3 not include trimming of produce.

4 H. "Hearing Officer" means the County of Fresno Director of the Department
5 of Public Health, or their duly authorized representative.

6 I. "Home" means a dwelling that complies with the California Building Code
7 and local building and fire codes. A home is a combination of kitchen, sleeping
8 quarters, bathroom, and general living quarters typically found in a residence. A
9 home does not include garages, workshops, warehouses, outdoor storage units,
10 and other structures outside the home.

11 J. "Home evaluation" or "evaluation of the home" means a determination by
12 the Department to ensure the home meets minimum sanitation standards prior to
13 permitting and operation as a MEHKO.

14 K. "Microenterprise home kitchen operation" (MEHKO) means a home-based
15 food service operation as defined by Section 113825 of the California Retail Food
16 Code that is limited to the gross annual sales and operational restrictions in
17 Chapter 11.6 of the California Retail Food Code. The MEHKO is limited to the
18 operator and not more than one full-time equivalent employee that does not
19 include a family member or household members. The MEHKO is limited to the
20 footprint identified as the "permitted area."

21 In accordance with the California Retail Food Code, a MEHKO is not a
22 catering operation, a temporary food facility, or a mobile food facility as defined in
23 the California Retail Food Code.

24 L. "Operator" means the resident of the home that holds the health permit,
25 who is responsible for the MEHKO, and is responsible for maintaining a person in
26 charge of food safety during operation.

27 M. "Permit" means a written authorization to operate a MEHKO at a specific
28 location, issued to a person by the County of Fresno Department of Public Health
29 in accordance with this chapter.

30 N. "Permitted area" or "regulated area" means the indoor home kitchen,
31 onsite consumer eating area, food storage, utensils and equipment, toilet room,

1 janitorial or cleaning facilities, refuse storage area, and an exterior paved area to
2 stage a barbecue, smoker, or wood-burning oven used for the MEHKO. Food
3 operations shall not be conducted outside of the permitted areas. The "permitted
4 area" or "regulated area" do not include detached accessory buildings, garages,
5 portable toilets, sleeping quarters, enclosed patios or second units.

6 O. "Person in charge" means the individual present at a MEHKO who is
7 responsible for the operation of the MEHKO.

8 P. "Potable water" means water that meets transient noncommunity water
9 standards under the California Safe Drinking Water Act, including those for total
10 coliform, fecal coliform, and nitrates.

11 Q. "Resident of the home" means an individual who permanently resides in
12 the home used for the MEHKO. This definition excludes temporary guests.

13 R. "Temporary guests" means individuals who do not reside at the home on a
14 permanent basis.

15 S. "Violation notice" means a written letter or report issued by the Department
16 indicating that a violation of this chapter or applicable provisions of the California
17 Retail Food Code has occurred.

18 19 Section 8.51.040 – Health Permit Required

20 A. A health permit from the Department is required prior to operating a
21 MEHKO in the County of Fresno.

22 B. The applicant must:

23 1. Be a resident of the home used for the MEHKO.

24 2. Provide written approval from the property owner to operate the
25 MEHKO. A MEHKO in a rented/leased residence shall only operate with the
26 written permission of the owner or manager of the property.

27 3. Provide accurate information in the MEHKO health permit application
28 process. A MEHKO health permit may be denied, suspended, or revoked
29 pursuant to Section 8.50.155 if the information on the application is found to
30 be incorrect, incomplete, false, or misleading.

31 4. Be informed of and acknowledge their responsibility to comply with all

1 applicable laws and regulations applicable to a MEHKO.

2 C. Only one MEHKO or one cottage food operation (CFO) is allowed per
3 home. A MEHKO may not serve as a commissary for caterers, mobile support
4 units or mobile food facilities including compact mobile food operations.

5 D. MEHKO health permits shall be:

6 1. Specific to the operator, home, menu, and authorized mode of service.

7 2. Valid for one year and renewed annually; however, no permit shall
8 remain valid after this ordinance expires.

9 3. Conspicuously posted in the home and visible to clients and the
10 enforcement officer while in operation and during inspection.

11 E. An operator shall renew their MEHKO health permit annually as required
12 or must cease operation. An operator shall pay all Department fees incurred, and
13 any administrative penalties imposed prior to renewal. Failure to pay said fees or
14 administrative penalties is grounds for a denial of the health permit renewal.

15 F. An operator who fails to timely renew a MEHKO health permit shall be
16 charged the standard penalty for delinquent payment as defined in Sections
17 8.50.130 and may be subject to enforcement action as specified in this chapter.

18
19 Section 8.51.050 – Health Permits Nontransferable

20 A. MEHKO permits to operate, interim permits, and fee receipts required by
21 this chapter shall not be transferred from one person to another, or from one site
22 of operation to another, except when specifically authorized by the Department.

23
24 Section - 8.51.060 – Minimum Home Standards and Operational Requirements.

25 A. A home with a MEHKO must meet the following minimum criteria as
26 verified through a home evaluation by an enforcement officer:

27 1. Provide plumbed water that meets potable water standards in
28 accordance with California Retail Food Code Section 113869. MEHKO
29 operators whose potable water supply comes from a private well shall:

30 a. Submit with their permit application water sample results verifying
31 the water supply meets at minimum a "transient noncommunity water

1 system" standard, as defined in California Health and Safety Code §
2 116275(o). Sample results shall include testing for total coliform, fecal
3 coliform, and nitrates.

4 b. Submit annually with the MEHKO permit renewal, updated total
5 coliform, fecal coliform, and nitrate water sample results that show the water
6 supply continues to meet "transient noncommunity water system" potable
7 water standards.

8 2. Have a fully operable kitchen sink that has hot and cold running water.

9 3. Be plumbed for an approved on-site wastewater treatment system or a
10 public sewer system.

11 4. Have operable electricity, gas, or propane utility service as required.

12 5. Have functional and equipped bathroom and handwashing facilities that
13 are available for the MEHKO operator, food handlers, and any employees at
14 all times. If the MEHKO allows customers to consume food or beverages on
15 site, the MEHKO must provide a restroom for those customers to use.

16 6. Be free of vermin and insects that can impact food safety.

17 7. Have adequate hot and cold holding equipment to maintain hot
18 potentially hazardous foods at 135 Fahrenheit or above and cold potentially
19 hazardous foods at 41 Fahrenheit or below.

20 8. Be stocked with a first aid kit.

21 9. Be equipped or constructed with appropriate ventilation to ensure
22 cooking smoke, grease, odors, and other particulates are adequately
23 removed from inside the home.

24 10. Have a minimum of a 10 BC-rated fire extinguisher, and a minimum K-
25 rated fire extinguisher if cooking with grease or oil.

26 11. Be equipped with carbon monoxide and smoke detectors as required.

27 12. Have adequate and appropriate refuse storage and disposal.

28 13. Food must be prepared, cooked and served on the same day.

29 B. Operators, and all those involved in the MEHKO business, must comply
30 with applicable provisions of the California Retail Food Code, including but not
31 limited to those regulating employee illness exclusion, training requirements, and

1 general hygiene practices.

2 C. Operators must adhere to approved meal and gross annual sales
3 maximums per California Retail Food Code Section 113825(a)(7-8), as it may be
4 amended over time.

5 D. Operators must report MEHKO meal counts and gross sales on a monthly
6 basis and be able to provide documentation to demonstrate compliance with
7 gross annual sales and meal limits upon request by the Department or
8 enforcement officer. Two months of unreported meal counts and/or gross sales
9 will result in permit revocation.

10 E. Outdoor food demonstration, preparation, or handling other than cooking
11 or heating over a Department-approved barbecue, smoker, or wood-burning oven
12 is prohibited. An outdoor flat grill is also prohibited.

13 F. A MEHKO may operate with an open-air barbecue, smoker, or outdoor
14 wood-burning oven if approved by the Department. The barbecue, smoker, or
15 wood-burning oven must be staged on a cleanable floor surface like concrete and
16 be operated in a manner that does not create a fire hazard, general safety hazard,
17 or food safety concern. No other equipment other than a table for the transitory
18 management of food removed from the barbecue, smoker, or wood-burning oven
19 may be used outside.

20 G. All food storage within the permitted area shall comply with Chapter 4,
21 Article 5 of the California Retail Food Code. Sleeping quarters or second units are
22 not included as a permitted area.

23 H. The following is not allowed in a MEHKO: vacuum packaging of food;
24 processes that reduce oxygen in a food package; activities that require a hazard
25 analysis critical control point (HACCP) plan as defined by Section 113801 of the
26 California Retail Food Code; service of raw oysters; and production,
27 manufacturing, processing, freezing, or packaging of milk or milk products,
28 including, but not limited to, cheese, ice cream, yogurt, sour cream, and butter.

29 I. Any MEHKO serving alcohol must do so in compliance with any applicable
30 California Alcohol and Beverage Control licensing statutes, regulations, and
31 requirements.

J. Hours of operation shall be no earlier than seven a.m. and no later than ten p.m.

Section 8.51.070 – Advertising

- A. Outdoor signage and displays advertising the MEHKO are prohibited.
- B. Operator may promote their business on the internet, social media, radio, or newspaper. Said advertisements must comply with the following:
 - 1. State the MEHKO holds a permit with the County of Fresno.
 - 2. The permit number.
 - 3. A conspicuous statement that the food is “Made in a Home Kitchen.”
 - 4. The word “catering” or any variation of the word shall not be used in the advertisement.

Section 8.51.080 – Exclusion of Ill Individuals from Food Service

A. Individuals who are capable of transmitting illness via food must be excluded from food service. In accordance with the California Retail Food Code and under the County of Fresno Health Officer’s authority, a MEHKO suspected of or subject to illness transmission may be ordered to cease operation until such time as approved by the Department and/or the County Health Officer. Individuals diagnosed with the following illnesses are subject to exclusion:

- 1. Salmonella typhi.
- 2. Salmonella spp.
- 3. Shigella spp.
- 4. Entamoeba histolytica.
- 5. Enterohemorrhagic or shiga toxin producing Escherichia coli.
- 6. Hepatitis A virus.
- 7. Norovirus.
- 8. Other communicable diseases that are transmissible through food.

B. An operator must notify the Department in the following cases:

- 1. When a household member or individual involved in operation of the MEHKO has been diagnosed with one of the illnesses stated in subsection (A)

1 of this section.

2 2. When two or more household members or individuals involved in
3 operation of the MEHKO are concurrently experiencing symptoms associated
4 with a gastrointestinal illness in accordance with California Retail Food Code
5 Section 113949.5.

6 3. When the operator is informed that two or more customers have been
7 diagnosed with one of the illnesses in subsection (A) of this section or are
8 concurrently experiencing symptoms associated with gastrointestinal illness.
9

10 Section 8.51.090 – Inspections, investigations, and Enforcement

11 A. Pursuant to the Health and Safety Code, the Department shall have the
12 right to enter, inspect, issue administrative citations to, and secure any sample,
13 photographs, or other evidence from any MEHKO, or any facility suspected of
14 being a MEHKO, or a vehicle transporting food to or from a MEHKO, at any
15 reasonable time. Unless the Department fails to provide proper identification,
16 refusing an inspection may result in the health permit being suspended or revoked,
17 and/or the owner or operator shall be guilty of an infraction or misdemeanor
18 offense.

19 B. The Department shall inspect the MEHKO upon the initial application, as
20 well as on an annual basis, or as needed in response to a consumer complaint, if
21 there is reason to suspect that unsafe food has been produced, or there is
22 another violation of this Ordinance or California Retail Food Code. An inspection
23 form provided by the Department shall be used for all inspections. An inspection
24 will be conducted after advanced notice is given to the Resident of the Private
25 Home and will include Permitted Areas and vehicles used for transporting food to
26 or from a MEHKO. The Department may seek cost recovery, based on the hourly
27 rate established in Section 8.50.080 of this ordinance if additional inspections or
28 complaint investigations are required to ensure compliance with this chapter.

29 C. If the applicant refuses to allow an inspection or is otherwise unable to
30 allow an inspection within a reasonable time, permits may be denied, suspended,
31 revoked, or placed on hold.

1 D. Nothing in this chapter or the California Retail Food Code supersedes or
2 limits the investigative and enforcement authority of the County of Fresno or the
3 incorporated cities within the County with respect to public nuisance violations.
4

5
6 Section 8.51.100 – Permit Denial, Suspension or Revocation

7 A. A permit or interim permit may be suspended or revoked for a violation of
8 the County of Fresno Ordinance Code or state statutes, orders, quarantines,
9 rules, and regulations. Any business or activity for which a permit has been
10 suspended shall cease operation and remain out of operation until the permit has
11 been reinstated. Any business or activity for which a permit has been revoked
12 shall cease operation and remain out of operation until a new permit has been
13 issued. No reapplication will be accepted within one (1) year after a Permit is
14 revoked

15 B. Whenever an enforcement officer finds that an applicant or a permitted
16 business or activity is not in compliance, a written notice to comply shall be issued
17 to the permittee or applicant.

18 1. If the permittee or applicant fails to comply, the enforcement officer
19 shall issue to the permittee or applicant a notice setting forth the acts or
20 omissions with which the permittee or applicant is charged, and informing him or
21 her of a right to a hearing, if requested, to show cause why the permit should not
22 be denied, suspended, or revoked. A written request for a hearing shall be made
23 by the permittee or applicant within fifteen calendar days after receipt of the
24 notice. Failure to request a hearing within fifteen calendar days after receipt of
25 the notice shall be deemed a waiver of the right to a hearing. When
26 circumstances warrant, the Environmental Health Division Manager may order a
27 hearing at any reasonable time within this fifteen-day period to expedite the
28 permit denial, suspension or revocation process.

29 2. The hearing shall be held before the Environmental Health Division
30 Manager within fifteen calendar days of the receipt of a request for a hearing.

1 Upon written request of the permittee or applicant, the Environmental Health
2 Division Manager may postpone any hearing date, if warranted.

3 C. The Environmental Health Division Manager shall issue a written notice of
4 decision to the permittee or applicant within five working days following the
5 hearing. In the event of a denial, suspension or revocation, the notice shall
6 specify the acts or omissions with which the permittee or applicant is charged
7 and shall state the terms of the denial or suspension or that the permit has been
8 revoked.

9 D. If any immediate danger to the public health or safety is found, unless the
10 danger is immediately corrected, the Environmental Health Division Manager
11 may temporarily suspend the permit and order the closure of the business or for
12 the activity to cease. Immediate danger to the public health and safety means
13 any condition, based upon inspection findings or other evidence, that can cause
14 infection, poisoning, disease transmission, or hazardous condition.

15 1. Whenever a permit is suspended as the result of an immediate danger
16 to the public health or safety, the Environmental Health Division Manager shall
17 issue to the permittee a notice setting forth the acts or omissions with which the
18 permittee is charged, specifying the pertinent code section, and informing the
19 permittee of the right to a hearing.

20 2. At any time within fifteen calendar days after service of a notice
21 pursuant to subdivision (2) of this subsection, the permittee may request in writing
22 a hearing before the Environmental Health Division Manager to show cause why
23 the permit suspension is not warranted. The hearing shall be held within fifteen
24 calendar days of the receipt of a request for a hearing. A failure to request a
25 hearing within fifteen calendar days shall be deemed a waiver of the right to such
26 hearing.

27 E. The Environmental Health Division Manager may, after providing
28 opportunity for a hearing, modify, suspend or revoke a permit for serious or
29 repeated violations of any state and local requirements or for interference in the
30 performance of the duty of the enforcement officer.

1 F. A permit may be reinstated or a new permit issued if the Environmental
2 Health Division Manager determines that conditions which prompted the
3 suspension or revocation no longer exist. Applicable fees must be paid upon
4 issuance of a new permit.

5 G. Permit modification, denial, suspension, or revocation may be appealed to
6 the hearing officer. A written request for an appeal hearing shall be made by the
7 permittee or applicant within fifteen days of receipt of the notice of decision from
8 the Environmental Health Division Manager.

9 H. Failure to request a hearing before the hearing officer pursuant to
10 subsection G of this section shall be deemed a waiver of the right to such hearing.
11 If a hearing is requested within the appropriate timeframe, the hearing officer may
12 sustain, modify or reverse the decision of the Environmental Health Division
13 Manager.

14 I. Any interested party, including the health officer, may appeal the decision of
15 the hearing officer to the Board of Supervisors by filing an appeal in writing with
16 the Clerk of the Board of Supervisors within fifteen days of the decision. Failure to
17 request a hearing within fifteen calendar days shall be deemed a waiver of the
18 right to such hearing. The Board of Supervisors may sustain, modify or reverse
19 the decision of the hearing officer. The Board of Supervisors' decision shall be
20 final.

21 J. No reapplication will be accepted within one (1) year after a Permit is
22 revoked.

23 24 Section 8.51.110 – Unpermitted MEHKO Activity

25 A. If the Department has determined that an individual, family, household,
26 organization, or group is operating a MEHKO without a MEHKO health permit,
27 enforcement will occur in accordance with the California Retail Food Code.

28 B. Any person, whether acting as a principal, agent, employee, property
29 owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise,
30 violating any provisions of this chapter or the rules, regulations, orders, permits or
31 conditions of approval issued thereunder, shall be liable to the County of Fresno

1 for costs of verifying abatement and costs accrued through compliance.

2 C. Civil penalties, administrative citation hearings, and appeal proceedings for
3 unpermitted MEHKO activity shall occur as described in Section 8.50.155.

4 Notwithstanding the civil penalty limits set forth in Section 8.50.150, the
5 Department may impose a penalty of up to three times the permit fee.

6
7 Initial Sunset Review.

8 This chapter shall sunset or otherwise expire two (2) years from the date of its
9 implementation unless extended by the Board of Supervisors prior to that date.

10
11 Severability.

12 The provisions of this chapter are severable. If any section, paragraph, sentence, phrase
13 or word of this chapter is declared invalid for any reason, that decision shall not affect
14 any other portion of this chapter, which shall remain in full force and effect.

15
16 THE FOREGOING, was passed and adopted by the following vote of the Board of
17 Supervisors of the County of Fresno this _____ day of _____, 2026, to wit:

18
19 AYES:

20 NAYS:

21 ABSENT:

22 ABSTAINED:

23
24
25 _____
26 Garry Bredefeld Chairman of the Board of Supervisors
of the County of Fresno

27 Attest:

28 Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

29 FILE # _____

30 AGENDA # _____

31 ORDINANCE # _____

By: _____

Deputy