

1 BEFORE THE BOARD OF SUPERVISORS  
2 OF THE COUNTY OF FRESNO  
3 STATE OF CALIFORNIA  
4 ORDINANCE NUMBER \_\_\_\_\_  
5

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

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

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

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

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

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

20 **Section 2.** The Ordinance Code of the County of Fresno is hereby amended by  
21 adding Chapter 8.51 to Title 8 to read as follows:  
22

23 Chapter 8.51 – MICROENTERPRISE HOME KITCHEN OPERATIONS  
24

25 Section 8.51.010 – Purpose.

26 The purpose of this chapter is to establish local rules and regulations for a two-  
27 year MEHKO pilot program in Fresno County for up to 66 MEHKO permits. The  
28 microenterprise home kitchen operation permit will allow small-scale entrepreneurs entry  
29 into the retail food economy and will help provide them with access to guidelines,  
30 training, and safety resources. This two-year MEHKO pilot program will help the County  
31 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.

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

3  
4 Section 8.51.070 – Advertising

5 A. Outdoor signage and displays advertising the MEHKO are prohibited.

6 B. Operator may promote their business on the internet, social media, radio,  
7 or newspaper. Said advertisements must comply with the following:

- 8 1. State the MEHKO holds a permit with the County of Fresno.
- 9 2. The permit number.
- 10 3. A conspicuous statement that the food is “Made in a Home Kitchen.”
- 11 4. The word “catering” or any variation of the word shall not be used in the  
12 advertisement.

13  
14 Section 8.51.080 – Exclusion of Ill Individuals from Food Service

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

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

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

- 30 1. When a household member or individual involved in operation of the  
31 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