



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

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	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	\$350	\$400	\$600	
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	\$600	
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	\$600	
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	

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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(d)	Public Health Hazard	Ice contaminated or not made from potable water				\$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 canned food swollen, leaking and/or rusted; not labeled; not segregated from intact packages	\$250	\$300	\$350	\$400	\$600
03E	24 RCNY 6-04(f)	Public Health Hazard	Potable water not provided; inadequate				\$400	\$600
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				\$400	\$600
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

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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				\$400	\$600
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	\$600
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600
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	
05A	NYCHC 89.25(b)	Public Health Hazard	Sewage and liquid waste holding tank not provided, inadequate or unapproved				\$400	\$600
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
05D	24 RCNY 6-04(i)(1)	Critical	Hand wash facility not provided with potable running water, or properly equipped				\$300	\$350
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

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05H	24 RCNY 6-04(i)(2)(A)	Critical	No facilities to wash, rinse, and sanitize utensils or equipment				\$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	\$250	\$300	
06A	NYCHC 81.13(b)	Critical	Effective hair restraint not worn	\$200	\$200	\$250	\$300	
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	
06B	NYCHC 81.13(h)	Critical	Eating or drinking in food preparation or other areas	\$200	\$200	\$250	\$300	
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	
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	\$200	\$200	\$200	\$200	
06F	SSC 14-4.112(b)	Critical	No test kit for measuring sanitizing solution concentration	\$200	\$200	\$200	\$200	
06J	NYCHC 81.46	Critical	No approved standard operating procedure for refillable consumer containers				\$300	\$600
06K	24 RCNY 6-04(p)	Public Health Hazard	MFVU with food left unsecured or unattended for more than one-half hour					\$600

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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	
08B	NYCHC 81.24(a)	General	Garbage cans not pest- or water-resistant; not covered with tight-fitted lids	\$200				
08B	NYCHC 81.24(c)	General	Garbage receptacles and covers not cleaned after emptying and prior to reuse	\$200				
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	\$200	\$200	\$200	\$200	
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	\$200	\$200	\$200	\$200	
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	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	General	Improper disposal of sewage or liquid waste	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	General	Condensation pipes not properly installed or maintained	\$200	\$200	\$200	\$200	\$200
10C	24 RCNY 6-04(c)	General	Lighting insufficient; inadequate	\$200	\$200	\$200	\$200	
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	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)	General	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order	\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)	General	Manual sanitizing procedure inadequate					\$200

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10G	NYCHC 81.29(a)(3)(B)	General	Chemical sanitizer unapproved or sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)(3)(B)	General	Test kit not accurate or used for manual dishwashing					
10H	NYCHC 81.07(o)	General	Single service items improperly stored or reused					
10H	NYCHC 81.07(o)	General	Drinking straws improperly dispensed					
10H	NYCHC 89.23(c)	General	Single service items not provided					
10H	NYCHC 89.23(c)	General	Consumer not provided with single service items.					
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 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.