

**To:** Whom It May Concern

**From:** Rutherford-Polk-McDowell Health District

**Subject:** Collection of Fees for Temporary Food Establishments

**Date:** August 15, 2009

Effective August 15, 2009, all health departments will begin collecting a fee of \$75.00 for each Temporary Food Establishment (TFE) permit issued. G.S. 130A-248 (d) states that the Department shall charge each establishment subject to this section a fee of \$75.00. The Attorney General staff has determined that TFE are foodservice facilities and are subject to the fees set forth in this statute. The fee is charged for each permit issued.

A Temporary Food Establishment means those food or drink establishments which operate for a period of 15 days or less, in connection with a fair, carnival, circus, public exhibition, or other similar gathering. A new permit is issued each time there is a change of location or special event or if there is a change in operation. Any person who falls into this category will be required to submit the attached application and completed drawing of the layout of the establishment, along with the \$75.00 fee to the Health Department at least 14 days prior to the event.

If the application and the fee are not submitted by the specified time, due to unforeseen reasons, then a phone contact must be made to the Environmental Health Specialist in the county that the vendor wishes to operate. If no contact is made or the fee is not paid prior to the day of the event, a permit will not be issued. There will be no collection of fees in the field by any representatives of this agency.

Establishments that are **exempt from the TFE permit** include those that are incorporated as nonprofit corporations or that are exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-228.90, or that are political committees as defined in G.S. 163-278.6 (14) and that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive days. If the applicant falls into this category, then an application still must be submitted along with a letter of tax exempt status from the IRS or N.C. Department of Revenue specifying such and giving the tax exempt identification number. **No fee will be required.**

A complete packet of information is attached with this memo, including the application, the TFE rules, and information guide. Please read all information and return only what is required to be returned and retain the other portion for your reference. Every effort will be made by this agency to assist you on the date of your event.

For additional information please contact the Health Department at the number below.

**Rutherford 828-287-6317 Polk 828-894-8004 McDowell 828-652-2921**

**\*PAYMENT OF FEE DOES NOT GUARANTEE THAT A PERMIT WILL BE ISSUED.**

**INFORMATION TO SEND BACK TO THE HEALTH DEPT**

# RUTHERFORD-POLK-McDOWELL HEALTH DISTRICT

## Application for a Temporary Foodservice Establishment Permit

Name of Temporary Food Establishment (TFE): \_\_\_\_\_

Name of Operator/Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Date(s) and Time(s) of Event: \_\_\_\_\_

Name of Event Coordinator: \_\_\_\_\_ Contact Number: \_\_\_\_\_

### PLEASE ANSWER THE FOLLOWING QUESTIONS:

- Have you operated a TFE in North Carolina in the past six (6) months? \_\_\_\_\_  
If so where? \_\_\_\_\_
- Will you prepare any food away from the festival booth outside of this county? \_\_\_\_\_  
(If yes, Attach local or state health authority approval.)
- Will you prepare any food away from the festival booth at a permitted facility? \_\_\_\_\_  
If yes, What County? \_\_\_\_\_ What Facility? \_\_\_\_\_  
(Attach a letter from the permit holder permitting you to use the facility.)
- Are you exempt from Federal Income Tax? \_\_\_\_\_  
(If yes, Attach a letter showing your tax exempt ID Number.)
- Are you a political group? \_\_\_\_\_  
(If yes, Attach a letter from the candidate or political organization.)

Please complete pages 2, 3, and 4.

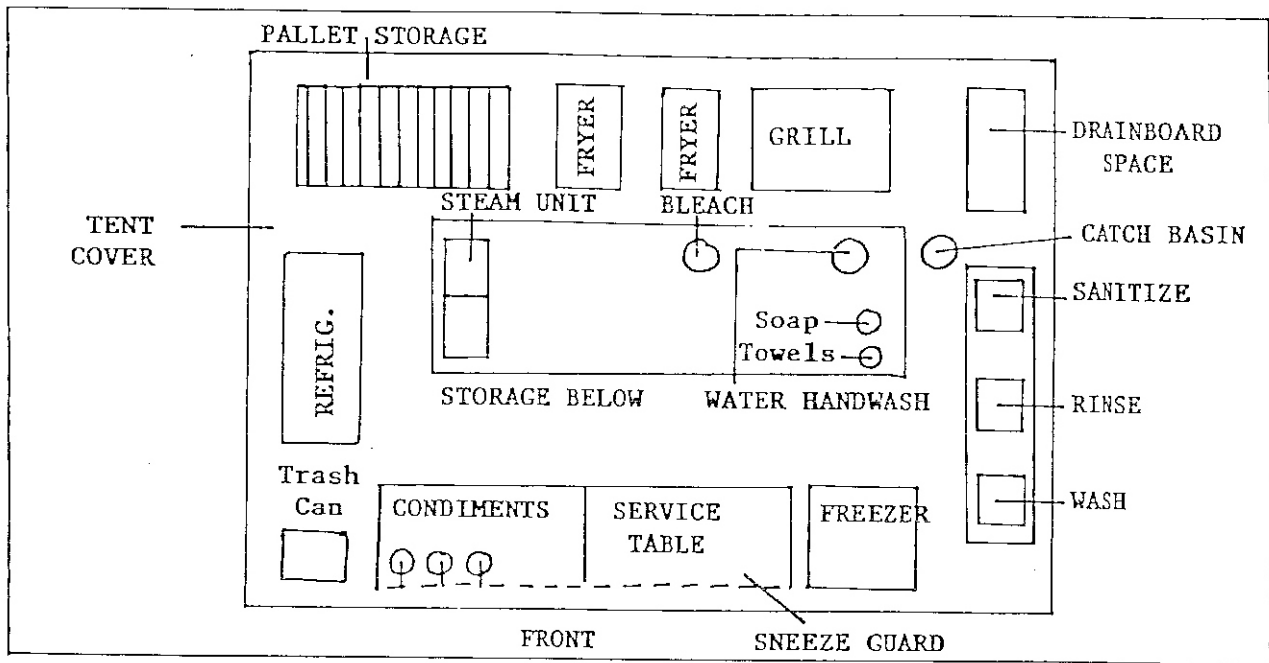
**COMPLETE APPLICATION SHOULD BE RETURNED TO THE HEALTH DEPARTMENT AT THE ADDRESS BELOW AT LEAST Fourteen (14) DAYS PRIOR TO THE EVENT.**



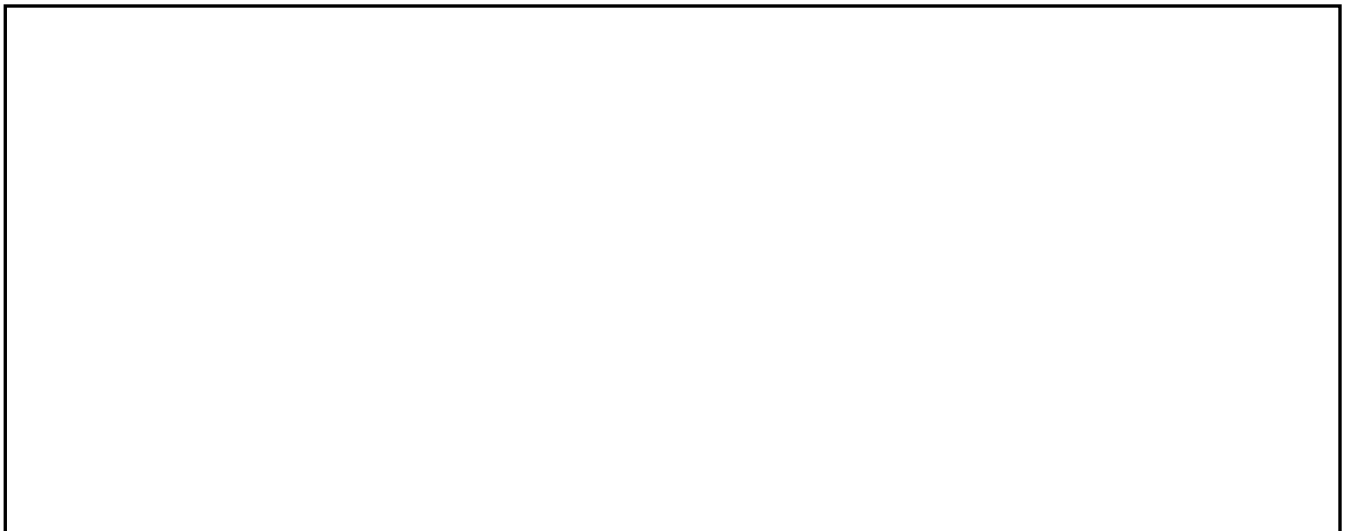
### TEMPORARY FOOD SERVICE ESTABLISHMENT LAYOUT

In the following space, provide a drawing of your Temporary Food Establishment. Identify and describe all equipment including cooking and holding equipment, handwashing facilities, work tables, utensil washing, food and single service storage, garbage containers, and customer service areas.

#### Example Booth Layout



#### Vendor Booth Layout



**STATEMENT:** I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the Rutherford -Polk-McDowell Health District may nullify final approval.

Signature (s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**Note:** Approval of these plans and specifications by this office does not constitute endorsement or acceptance of the completed establishment (structure or equipment). A pre-opening inspection of the establishment with equipment in place will be necessary to determine if it complies with the Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments 15A NCAC 18A.2600, Section .2635.

- A Temporary Food Establishment must operate in conjunction with a public event such as a fair, festival, or carnival.
- A permitted restaurant or caterer must also obtain a permit to operate a TFE if operating in conjunction with a public event such as a fair, festival, or carnival.

# INFORMATION FOR YOU TO KEEP

## Rutherford Polk McDowell Health District

# TFE For Your Information

- Have your temporary food establishments thoroughly cleaned and sanitized prior to the permitting visit by a representative of the Health Department.

\_\_\_\_\_ food from approved sources and identified. **(No unidentified meat will be accepted.)**

\_\_\_\_\_ food covered and protected (barrier to shield food from the public)

\_\_\_\_\_ refrigeration: 45°F or less with accurate air thermometer

\_\_\_\_\_ utensils and equipment protected (clean and covered)

\_\_\_\_\_ single-service items (cups, forks) properly stored

\_\_\_\_\_ single service cup dispensers or original packaging (plastic sleeves)

\_\_\_\_\_ metal stem-type food thermometer accurate to + or – 2°F (0-220°F)

\_\_\_\_\_ clean location and equipment

\_\_\_\_\_ properly mixed sanitizer (50 ppm chlorine or other approved sanitizer) in a clean and labeled Spray bottle for use on all clean food contact surfaces

\_\_\_\_\_ sanitizer test strips

\_\_\_\_\_ approved employee hand-washing facilities with soap and paper towels.  
(Approved facilities could be a hand sink OR a cooler or urn with a spout that has been pre-filled with warm water and a bucket for catching the wastewater below.)

\_\_\_\_\_ ability to heat water (gas burner, grill, etc.)

\_\_\_\_\_ approved potable water hose to supply potable water under pressure labeled.

\_\_\_\_\_ utensil sink with drain boards or counter space large enough to accommodate largest utensil (pots, skewers, racks, spoons, tongs, etc.)

\_\_\_\_\_ effective fly control measures (fans, screens, etc.)

\_\_\_\_\_ tight fitting lids on garbage cans, approved garbage disposal method, approved grease holding and disposal method.

\_\_\_\_\_ sewer connection leading to proper location (not a storm drain) or proper holding tank and contract with a licensed septage hauler.

\_\_\_\_\_ open food or grills must be effectively covered

**ALL PARTS OF THE RULES MUST BE FOLLOWED**

## TEMPORARY FOOD ESTABLISHMENTS (T.F.E.'s)

### THE FOOD

#### A. SOURCES:

All food must be obtained from approved sources. Keep receipts, list sources on "request for T.F.E. permit." All unapproved food shall be discarded. Ice is a food.

#### B. PROHIBITED FOODS:

DO NOT PREP OR PREPARE ANY FOOD ON-SITE BEFORE RECEIVING A PERMIT: all unapproved food shall be discarded. Potentially hazardous foods such as cream-filled pastries and pies, and salads such as potato, chicken, ham, crab, etc. shall not be served in a temporary food establishment. Hamburgers and poultry must be provided in ready to cook portions from a supplier. Hamburgers must come in pre-formed patties separated by clean paper. Poultry must come from the supplier pre-cut into individual ready to cook portions. YOU CANNOT MAKE HAMBURGER PATTIES OR CUT POULTRY IN THE T.F.E.

#### C. PROTECTION:

ONCE FOOD IS RECEIVED BY A VENDOR: The food must be kept protected from any type of contamination. These foods must be maintained hot (above 135° F) or cold (below 45° F) at all times. This includes during transportation to the site, and before and/or after cooking. Participants must have refrigeration and heating equipment capable of maintaining these temperature requirements.

COOKING: Use a metal stem thermometer to check on cooking and holding temperatures of potentially hazardous foods. Hamburgers and other ground beef must be cooked to 155° F (juices will run clear); poultry parts, to 165° F; pork and other meats to 150° F.

RE HEATING: Heat foods to 165° F or higher quickly. Do not attempt to reheat foods in crock pots, steam tables or other hot holding devices, or over sterno.

HOLDING UNITS: Foods must be kept at or above 140° F until served. It is strongly recommended that all potentially hazardous food is discarded at days end. Use long shallow containers and ice baths to cool leftover food quickly.

REFRIGERATION: Refrigeration units are required for holding potentially hazardous foods and must be able to maintain a temperature of 45° F or below. Thermometers must be provided in the refrigeration units. Temperatures must be monitored throughout the event. Styrofoam coolers will not be accepted for the storage of food.

ICE FOR CONSUMPTION: Ice which is to be consumed must come from an approved source. It must be kept in closed/covered containers and dispensed with ice scoops that are properly stored and used. Ice for consumption may not be used for storage of food or beverage products.

ICE AS A REFRIGERANT: Storage of open food products in contact with ice is prohibited. Storage of packaged food products in contact with water or undrained ice is prohibited. If ice is the principle means of refrigeration, it must be done in such a way so that the ice is constantly draining ( into proper area – not onto ground). Commercial-type freezer packs or dry ice may also be used to maintain temperature if mechanical refrigeration cannot be provided. Proper temperatures, however, must be maintained at all times.

### BOOTH REQUIREMENTS

#### A. LOCATION:

T.F.E.'s must be located in clean surroundings and be kept clean and sanitary. Setting up on grass is discouraged. Overhead protection must be provided over all food and beverage storage, preparation and service areas as well as handwashing and dishwashing areas.

Screening or effective fans must be provided and used for insect control. Use plenty of fans.

THE MORE YOUR FOOD IS EXPOSED TO THE ENVIRONMENT. THE GREATER THE LIKELIHOOD OF CONTAMINATION.

HOT WATER: Heated water must be provided for the handwashing basin and utensil sink. The minimum equipment acceptable for this provision would be a pot of water on a stove, or separate coffee maker.

HANDWASHING FACILITIES: At least one convenient handwashing facility must be available for employee handwashing on site at all times at each unit. This facility must consist of, at least, warm running water, soap, and individual paper towels. (If a sink is not available for handwashing, "running" can mean a large thermos, urn or container in which warm water is held for dispensing via spigot while handwashing. A container or bucket would then need to be placed under the thermos spigot to catch the wastewater.)

DISHWASHING AND CLEANING: All equipment must be cleaned thoroughly and maintained in a sanitary condition throughout the event. A single vat sink equipped with running water and capable of holding the largest utensil used during operation must be provided.

STORAGE: Nothing is allowed on the "floor" except equipment with legs or non-absorbent, empty crates. Stored items, wrapped or not, must be off floor and under the tent at all times.

SNEEZE GUARDS: Food and food contact surfaces near customers must be protected from customer exposure or sneeze by glass or something equal on the top, front, and ends. Sneeze guards are not required if the cooking surfaces are placed so that customers do not get near them. An acceptable alternative may be the placement of a barrier between the food preparation or storage areas and the serving location. There will be no open displays of any type of food preparation without proper protection. NO EXCEPTIONS.

SELF SERVICE: Customer self-service of food and condiments is not allowed. This applies to any unpackaged condiments such as lettuce, tomatoes, pickles, and onions. Packaged condiments such as relish, ketchup, and mustard are permitted. Mustard and ketchup can also be dispensed by the customer from approved pump type dispensers.

GARBAGE: Watertight garbage cans with tight fitting lids must be removed daily and disposed of in an approved, sanitary manner. All grease must be contained in an approved receptacle.

WASTEWATER AND SEWAGE: Wastewater from the stand must be emptied into a sanitary sewer. Do not empty storage tanks or catch buckets into storm drains. A collection bucket or other basin can be used to hold wastewater prior to disposal. Label all wastewater hoses.

WATER SUPPLY: All water lines to each unit must be protected by proper backflow/back-siphonage prevention device (or by proper air break or air gap). These units must be approved for continuous pressure if used in situations where water is continuously provided to the unit by a hose, etc. All hoses must be N.S.F. (National Sanitation Foundation) approved or the equivalent for use with potable water. Label all potable water hoses.

## **PERSONNEL**

DISEASES: No person who has a contagious or infectious disease which can be transmitted through food or drink is allowed to work in a temporary food establishment.

TOBACCO: No tobacco is to be used in any form while handling, preparing, or serving food or while in the foodservice area.

WORKER INFORMATION: Each vendor should keep a list of names and phone numbers of people involved in food preparation and service.

## 15A NCAC 18A .2635 REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS

The following requirements shall be satisfied in order for temporary food establishments to qualify for a permit under Rule .2602 of this Section:

- (1) Temporary food establishments shall be located in clean surroundings and kept in a clean and sanitary condition. They shall be so constructed and arranged that food, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans.
- (2) Where food or griddles are exposed to the public or to dust or insects, they shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit handling and serving of the food.
- (3) All griddles, warmers, spatulas, refrigerators, and other utensils and equipment shall be cleaned routinely and maintained in a sanitary manner.
- (4) Running water under pressure shall be provided. The water supply shall be approved and of a safe, sanitary quality. Provisions shall be made for heating water for the washing of utensils and equipment. At least a single vat sink, large enough in which to wash cooking utensils, pots, and pans, must be provided. At least one drainboard or counter top space must be provided.
- (5) Facilities shall be provided for employees' hand-washing. These may consist of a pan, soap, and single-use towels.
- (6) Convenient and approved toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds are acceptable if reasonably convenient, adequate, and kept clean. Sewage shall be disposed of in an approved manner.
- (7) Potentially hazardous foods shall be refrigerated in accordance with Rule .2609 of this Section. All food shall be stored, handled, and displayed in accordance with Rule .2610(a) through (d) of this Section. Food service equipment shall be stored in accordance with Rule .2620 of this Section.
- (8) Garbage and refuse shall be collected and stored in standard water-tight garbage cans provided with tight fitting lids or other approved containers or methods. Garbage and refuse shall be removed at least daily and disposed of in a sanitary manner. Waste water shall be so disposed of as not to create a nuisance. Each operator shall keep his immediate premises clean.
- (9) All food served shall be clean, wholesome, and free from adulteration. Potentially hazardous foods such as cream-filled pastries and pies, and salads such as potato, chicken, ham, crab, etc., shall not be served in a temporary food establishment. Hamburgers shall be obtained from an approved market or plant in patties separated by clean paper, or other wrapping material, and ready to cook. Wrapped sandwiches shall be obtained from an approved source. Poultry shall be prepared for cooking in an approved market or plant. Drinks served shall be limited to packaged, canned, or bottled drinks, packaged milk, coffee, or carbonated beverages from approved dispensing devices.
- (10) Food prepared by local groups shall be prepared in an approved kitchen, and such groups shall maintain a record of the type and origin of such foods. These foods shall be prepared, transported, and stored in a sanitary manner protected from contamination and spoilage.
- (11) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in a temporary food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

*History Note: Authority G.S. 130A-248;*

*Eff. May 5, 1980;*

*Amended Eff. January 1, 1996; May 1, 1991; July 1, 1984.*