



WILKES COUNTY HEALTH DEPARTMENT

Promoting health and preventing disease in our community

To All Organizers, Sponsors, and Food Vendors at Special Events:

Each special event involving food is unique. Due to the way the rules are written, some events and vendors may be exempt. It is in the best interest of the organizer, sponsor, vendors, and the public health that you contact the Health Department prior to any event involving food to determine what will be required.

The following pages list permitting requirements for temporary food establishments. It can also be used as a checklist for each vendor. Even if an event or vendor is exempted from the rules, it would be best for the health and safety of patrons if all these requirements are met.

Read these requirements carefully. You will note that they have some items listed that the organizer or sponsor must provide. However, the bulk of the requirements will have to be met by the individual vendor. It is the responsibility of the vendor to meet all these requirements before a permit can be issued. Denial of a permit will result in no sale of food and will mean the loss of revenue and possible loss of food product.

Also be aware of any legal problems that could result from selling food. Selling food without a permit at an event where a permit is required will result in a cease order being issued and possible legal action. Event sponsors/organizers and vendors will share responsibility if a foodborne illness occurs from food sold at the event.

Thank you in advance for your cooperation and good luck with your event!



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New Law Restricts Unregulated Food Vendors

RALEIGH – A new law will require county health departments to regulate food vendors who were previously exempt from regulation if they operated no more than two consecutive days per month. Nonprofit organizations and political fundraising groups will still be allowed to operate under the “two days” exemption, but must provide information indicating their special status to public health officials upon request.

By tightening the “two days” exemption, the legislature seeks to reduce outbreaks of food-related illness in North Carolina. According to 1999 data from the Communicable Disease Sections of the NC Division of Public Health, 47 percent of documented food-related outbreaks in the state that year were caused by non-regulated food preparation.

The new law specifically reserves the right for nonprofit and political groups to raise funds by selling food. Outbreaks should be easier to track, though, because the total number of unregulated vendors will be reduced and most nonprofit and political fundraising groups advertise their food events, making them easy to identify. Please identify non-profit and political groups with banners or signs.

The new law will prohibit unregulated food preparation and sales from street corners, vehicles, and door to door and will prohibit an individual from preparing food for sale at an unregulated place. The law will not affect individuals who are hired to prepare food on site at private parties or weddings and will not affect food preparation at a private club for members and their guests.

Some previously unregulated food vendors at events such as fairs, carnivals, and festivals may have to be regulated under the new law. Churches, civic clubs, and other nonprofit organizations will still be allowed to prepare food for one or two-day events without being subject to regulation.

Food vendors that are uncertain of their status under the new law should contact the Wilkes County Health Department at (336) 651-7530 for more information.

130A-250 (7)
"2 days once a month" exemption
The following are exempt from regulation

**2 consecutive days
once a month**

- ◆ Nonprofit
- ◆ Tax exempt
- ◆ Political Committees
- ◆ Elderly nutrition sites
 - ◆ Off-site
- ◆ Permitted tax exempt can go off site for 2 days
 - ◆ (some churches)

1 day a month

- ◆ Elderly nutrition sites
 - ◆ On-site

with G.S. 130A-23(d) for failure of the establishment to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

(b1) A permit shall expire one year after an establishment closes unless the permit is the subject of a contested case pursuant to Article 3 of Chapter 150B of the General Statutes.

(c) If ownership of an establishment is transferred or the establishment is leased, the new owner or lessee shall apply for a new permit. The new owner or lessee may also apply for a transitional permit. A transitional permit may be issued upon the transfer of ownership or lease of an establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to the public health. Upon issuance of a new permit or a transitional permit for an establishment, any previously issued permit for an establishment in that location becomes void.

(c1) The Commission shall adopt rules governing the sanitation of pushcarts and mobile food units. A pushcart or mobile food unit shall be operated in conjunction with a permitted restaurant.

(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school cafeterias, an annual fee of twenty-five dollars (\$25.00). The Department shall charge an additional twenty-five dollar (\$25.00) late payment fee to any establishment that fails to pay the required fee within 45 days after billing by the Department. The Department may, in accordance with G.S. 130A-23, suspend the permit of an establishment that fails to pay the required fee within 60 days after billing by the Department. The Department shall charge a reinstatement fee of one hundred fifty dollars (\$150.00) to any establishment that requests reinstatement of its permit after the permit has been suspended. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33-1/3%) of the fees collected may be used to support State health programs and activities. (1941, c. 309, s. 1; 1955, c. 1030, s. 1; 1957, c. 1214, s. 1; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 438, s. 2; 1989, c. 551, ss. 1, 4; 1989 (Reg. Sess., 1990), c. 1064, s. 1; 1991, c. 226, s. 1; c. 656, ss. 1, 2; c. 733, s. 2; 1991 (Reg. Sess., 1992), c. 1039, s. 7; 1993, c. 262, s. 2; c. 346, s. 1; c. 513, s. 13; 1995, c. 123, s. 13(a)-(d); c. 507, s. 26.8(b), (g); 1997-367, s. 1; 1997-443, s. 11A.118(a); 1997-479, s. 1.)

§ 130A-249. Inspections; report and grade card.

The Secretary may enter any establishment that is subject to the provisions of G.S. 130A-248 for the purpose of making inspections. The Secretary shall inspect each restaurant at least quarterly, except that the quarterly inspection requirement shall not apply to temporary food establishments. The person responsible for the management or control of an establishment shall permit the Secretary to inspect every part of the establishment and shall render all aid and assistance necessary for the inspection. The Secretary shall leave a copy of the inspection form and a card or cards showing the grade of the establishment with the responsible person. The Secretary shall post the grade card in a conspicuous place as determined by the Secretary where it may be readily observed by the public upon entering the establishment or upon picking up food prepared inside but received and paid for outside the establishment through delivery windows or other delivery devices. If a single establishment has one or more outside delivery service stations and an internal delivery system, that establishment shall have a grade card posted where it may be readily visible upon entering the establishment and one posted where it may be readily visible in each delivery window or delivery device upon picking up the food outside the establishment. The grade card or cards shall not be removed by anyone, except by or upon the instruction of the Secretary. (1941, c. 309, s. 2; 1955, c. 1030, s. 2; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 145, c. 189; 1989, c. 551, s. 2; 1993, c. 262, s. 3.)

§ 130A-250. Exemptions.

The following shall be exempt from this Part:

- (1) Establishments that provide lodging described in G.S. 130A-248(a1) with four or fewer lodging units.
- (2) Condominiums.
- (3) **(Effective July 1, 2001)** Establishments that prepare or serve food or provide lodging to regular boarders or permanent houseguests only. However, the rules governing food sanitation adopted

under G.S. 130A-248 apply to establishments that are not regulated under G.S. 130A-235 and that prepare or serve food for pay to 13 or more regular boarders or permanent houseguests who are disabled or who are 55 years of age or older. Establishments to which the rules governing food sanitation are made applicable by this subdivision that are in operation as of 1 July 2000 may continue to use equipment and construction in use on that date if no imminent hazard exists. Replacement equipment for these establishments shall comply with the rules governing food sanitation adopted under G.S. 130A-248.

- (4) Private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons attending special events, provided these homes are not bed and breakfast homes or bed and breakfast inns.
- (5) Private clubs.
- (6) Curb markets operated by the State Agricultural Extension Service.
- (7) **(Effective October 15, 2001)** Establishments (i) that are incorporated as nonprofit corporations in accordance with Chapter 55A of the General Statutes or (ii) that are exempt from federal income tax under the Internal Revenue Code, as defined in G.S. 105-228.90, or (iii) 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, including establishments permitted pursuant to this Part when preparing or serving food or drink at a location other than the permitted locations. A nutrition program for the elderly that is administered by the Division of Aging of the Department of Health and Human Services and that prepares and serves food or drink on the premises where the program is located in connection with a fundraising event is exempt from this Part if food and drink are prepared and served no more frequently than one day each month.
- (9) Establishments that put together, portion, set out, or hand out only beverages that do not include those made from raw apples or potentially hazardous beverages made from raw fruits or vegetables, using single service containers that are not reused on the premises.
- (10) Establishments where meat food products or poultry products are prepared and sold and which are under inspection by the North Carolina Department of Agriculture and Consumer Services or the United States Department of Agriculture.
- (12) Markets that sell uncooked cured country ham or uncooked cured salted pork and that engage in minimal preparation such as slicing, weighing, or wrapping the ham or pork, when this minimal preparation is the only activity that would otherwise subject these markets to regulation under this Part.
- (12) Establishments that only set out or hand out beverages that are regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes.
- (13) Establishments that only set out or hand out food that is regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes. (1955, c. 1030, s. 4; 1957, c. 1214, s. 3; 1983, c. 884, ss. 1, 2; c. 891, s. 2; 1985 (Reg. Sess., 1986), c. 926; 1989, c. 551, s. 3; 1991, c. 733, s. 3; 1993, c. 262, s. 4; c. 513, s. 14; 1995, c. 123, s. 14; 1997-261, s. 86; 1999-13, s. 1; 1999-247, s. 5; 2000-82, s. 1.)



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TEMPORARY FOOD ESTABLISHMENTS

1. The vendor has the responsibility of verifying with the organizer or sponsor the availability of water and electrical hookups as well as wastewater disposal at each site for food vendors. A food grade hose is required for the water connections. **No disposing of grease and wastewater into storm drains.** Grease receptacles are provided at central sites.
2. All foods must be obtained from approved sources. Any foods requiring preparation prior to event must be prepared in a kitchen that has been approved by the Wilkes County Division of Environmental Health. **DO NOT PREP FOOD BEFORE RECEIVING A PERMIT;** any food pre-prepped will be discarded. Foods such as cream filled pastries and pies, or salads such as potato, chicken, ham and crab cannot be served in a temporary food establishment.
3. Have your temporary food establishment thoroughly cleaned and sanitized prior to the permitting visit by a representative of the health department. The following checklist must be completed in order to receive a permit.

- _____ Sanitizer made with regular bleach (not scented bleach) mixed with water to make a 50 ppm solution or other approved sanitizer.
- _____ Sanitizer test strips must be provided.
- _____ Metal stem thermometer for refrigerators and taking food temperatures (45°F below). Food thermometers should read 0°F - 220°F.
- _____ Water under pressure. A water heater shall be used (min. 130°F).
- _____ Utensil sink and counter space/drain boards for the air-drying of utensils is required.
- _____ A separate hand wash sink with antibacterial soap and paper towels.
- _____ Hair restraints (baseball hat or a hairnet).
- _____ Ice scoops and a separate bin for consumption ice.
- _____ Food stored off the floor (potatoes, onions, etc. must be stored on a pallet or other approved means).
- _____ all food handling and cooking must be done in a protected area.
This area shall have overhead coverage.
- _____ Open displays must be protected from contamination by sneeze guards, or other barriers.

Representatives of the Health Department will be available for any event if given enough notice. Any questions can be directed to the Wilkes County Health Department, Environmental Health Division at 336-651-7530.

PLEASE LIST ALL FOOD TO BE SERVED. (The Health Department reserves the right to limit the menu.) **INCLUDE HOW YOU PLAN TO KEEP POTENTIALLY HAZARDOUS FOOD HOT** (140° F or greater) **OR COLD** (45° F or less)

FOOD ITEM	WHERE PREPARED	COOKING PROCEDURES (i.e.) deep fry, propane, microwave, stove, oven, grill, etc.) Indicate temperature control method (i.e. refrigeration, coolers, hot holding)	SUPPLIER INFORMATION

ATTACH ADDITIONAL SHEETS IF NECESSARY

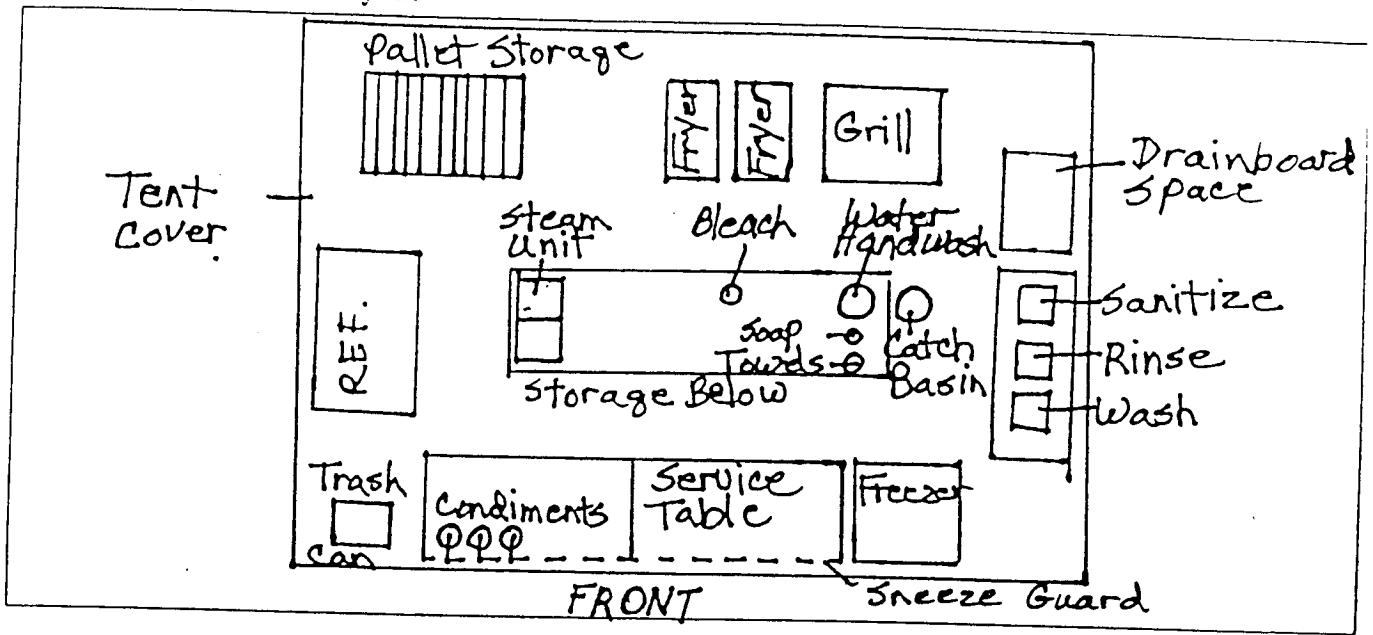
PLEASE LIST ALL FOOD TO BE SERVED. (The Health Department reserves the right to limit the menu.) INCLUDE HOW YOU PLAN TO KEEP POTENTIALLY HAZARDOUS FOOD HOT (140⁰F or greater) OR COLD (45⁰F or less).

FOOD ITEM	WHERE PREPARED	COOKING PROCEDURES (i.e. deep fry, propane, microwave, stove, oven, grill, etc.) Indicate temperature control method (i.e. refrigeration, coolers, hot holding)	SUPPLIER INFORMATION
BBQ	Approved kitchen or commercially packaged	Onsite- purchased frozen and thawed in refrigerator then heated on stove to 165 ⁰ F	"Porky's BBQ"
EXAMPLE			

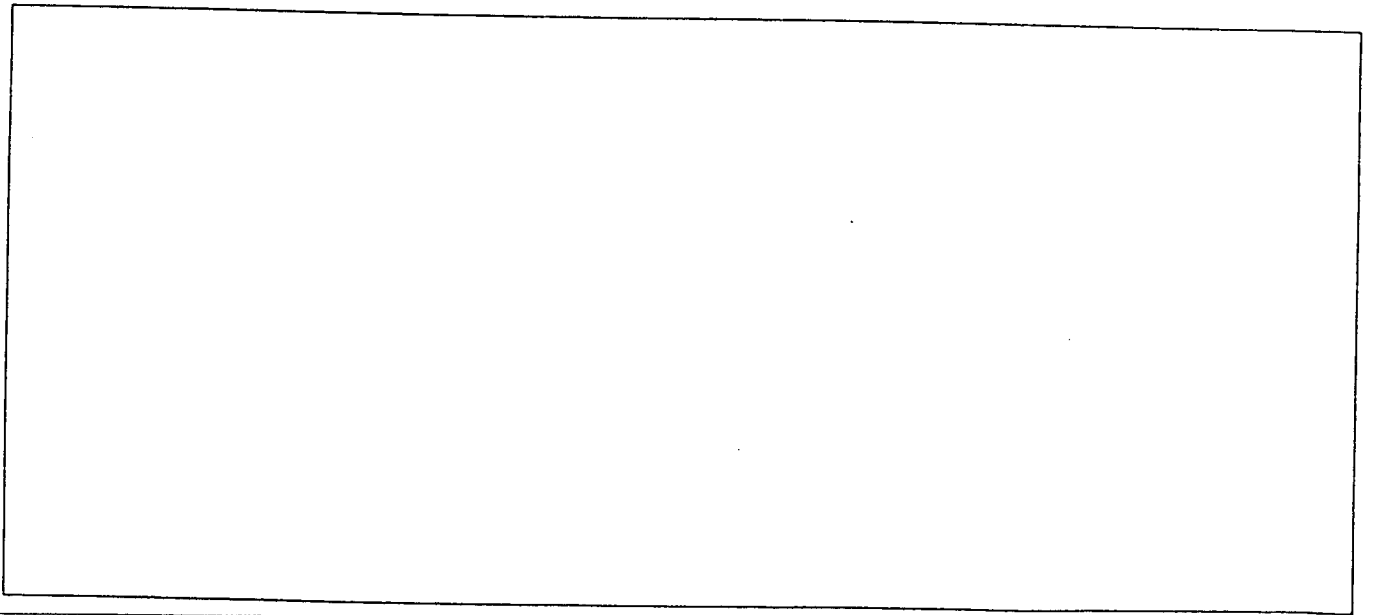
*ATTACH ADDITIONAL SHEETS IF NECESSARY

Temporary Food Service
Booth Layout

Example Booth Layout



Vendor Booth Layout





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TEMPORARY FOODSTAND EVALUATION

DATE _____

BOOTH NAME _____

BOOTH # _____

FOOD SOURCE:

1. Food from approved sources; approved foods..... Y N

FOOD PROTECTION:

- 2. Covered, served, prepared, cooked, stored, handled, displayed, thawed, transported, shielded to prevent contamination, adulteration, spoilage..... Y N
- 3. Potentially hazardous food meets temperature during storage, display, preparation..... Y N
- 4. Metal stem food thermometer available and accurate..... Y N
- 5. Refrigeration available and working with accurate air thermometers available..... Y N

PERSONNEL:

- 6. Personnel with infectious or communicable diseases, open sores, wounds restricted..... Y N
- 7. Handwashing area, handsoap, disposal towels available and used..... Y N
- 8. No tobacco usage in food preparation or service area..... Y N
- 9. Hair restraints, clean clothes..... Y N
- 10. Food contact surfaces cleaned and sanitized by approved methods..... Y N
- 11. Sanitizers properly mixed, available, labeled, and used..... Y N
- 12. Equipment and utensils covered, utensils properly stored during service..... Y N
- 13. Sanitizer test strips available and used..... Y N
- 14. Sinks with drainboard or counter top space for utensil washing..... Y N
- 15. Single service items (forks, spoons, knives, straws, etc.) properly stored..... Y N
- 16. Single service cups in dispensers or covered with plastic sleeves..... Y N
- 17. Non-food contact surfaces clean and in good repair..... Y N

WATER SUPPLY:

- 18. Potable running water under pressure, approved food grade water hose..... Y N
- 19. Hot water source available..... Y N
- 20. No cross connection or other potential source of contamination..... Y N

WASTE DISPOSAL:

- 21. Waste water discharged into approved, properly operating waste water treatment and disposal system..... Y N
- 22. Approved garbage disposal containers available, areas maintained..... Y N

LIGHTING:

23. Shielded if directly over food..... Y N

PREMISES:

- 24. Effective fly and other vermin control (screened, fans, etc.)..... Y N
- 25. Booth location clean, covered..... Y N

COMMENTS:

INSPECTED BY: _____ RECEIVED BY: _____