

Temporary Food Establishment and Festival Concessions Guide



Daviess County Environmental Services
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Temporary Food Establishment Quick Chart

Type*	Plumbing Requirements	Types of Potentially Hazardous Foods	Time Limit	Permit Type	Inspection Frequency	Fees
Temporary	Permanent fixtures not required. Hand washing station; 3 water containers for utensil washing; Toilets: private or public available.	Limited Preparation items only. Food code: Section 36	Up to 14 consecutive days; 30 day wait before returning to same location.	Temporary food permit.	Initial and as necessary	1-3 days: \$25 4-14 days: \$30
Push Cart	Hand washing station; Toilets: Private or public required	Hot Dogs Pre-packaged foods Food Code: Section 33 & 35	Annual; Must operate from a commissary	Food Service Establishment; Copy of commissary permit	Twice a year or as necessary	\$120 + (Copy of Est. permit on cart)
Mobile (Non-Self Contained)	Hand washing station; Toilets: Private or public required	Hot Dogs Pre-packaged foods Food Code: Section 33	Annual; Must operate from a commissary	Food Service Establishment; Copy of commissary permit	Prior to operating and at least once a year	\$120 + (Copy of Est. permit on unit)
Mobile Self Contained	3 compartment sink; Lavatory; Hot/Cold Water under Pressure; Waste water holding tank 100% larger than portable water tank; Toilets: Private or Public available	Not Limited Food Code: Section 33 & 35	Annual; 14 days at one location; 30 day wait before returning to same location.	State wide mobile unit.	Prior to operating plus twice a year – or at each event	\$120
Mobile (Retail)	Toilets: Private or Public available	Pre-packaged only	Annual	Retail Food	Once per year	\$27
Restricted Concession a.k.a. Seasonal Restricted	Permanent fixtures not required. Hand washing station; 3 water containers for utensil washing; Toilets: private or public available.	Hot Dogs Nachos and Cheese Pre-packaged No grilling Food Code: Section 37	Annual – limited to operate to eight or fewer months a year	Restricted Food Concession	Initial plus once a year	\$33

*Unscented household bleach or acceptable chemical sanitizer, chemical test kits, and thermometers required for all operations. (See Concessionaires Food Sanitation Guidelines on page 6.)

The following excerpts are the sections from the Kentucky State Food Service Code (902 KAR 45:005) that are most pertinent to temporary food service and concessions.

Section 33. Mobile Food Units or Pushcarts.

(1) Mobile units or pushcarts shall comply with the requirements of this administrative regulation, except as provided in this subsection and in subsection (2) of this section. The cabinet may impose additional requirements to protect against health hazards related to the conduct of the establishment as a mobile or pushcart operation, may prohibit the sale of some or all potentially hazardous foods, and if no health hazard will result, may waive or modify requirements of this administrative regulation relating to physical facilities, except those requirements of subsections (4) and (5) of this section and Sections 34 and 35 of this administrative regulation.

(2) A mobile unit or pushcart that serves only food that was prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this administrative regulation or beverages that are not potentially hazardous and are dispensed from protected equipment need not comply with requirements of this administrative regulation pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its commissary; however, frankfurters may be prepared and served from these units or pushcarts.

(3) Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

(4) A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitization, and hand washing, pursuant to the requirements of this administrative regulation. The water inlet shall be located in a position that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed according to the State Plumbing Code, KRS Chapter 318.

(5) If liquid waste results from operation of a mobile food unit it shall be stored in permanently installed retention tanks that are at least 100 percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank if the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system.

Section 34. Commissary.

(1) Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment that is constructed and operated in compliance with this administrative regulation; mobile food units equipped with a potable water supply system under pressure, liquid waste system retention tanks, sinks, lavatories, etc., shall not be required to operate from a commissary or other fixed food service establishment.

(2) Mobile retail food stores that sell only prepackaged, commercially prepared, sealed, and protected ready-to-eat foods, shall not be required to operate from a fixed retail food establishment.

Section 35. Mobile Food Unit or Pushcart Servicing Area and Operations.

(1) Potable water servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.

(2) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies. All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated pursuant to the requirements of the Cabinet for Natural Resources and Environmental Protection administrative regulations 401 KAR Chapter 5 and the Cabinet for Health Services Resources administrative regulations 902 KAR Chapter 10; if a public sewerage system becomes available, connection shall be made thereto and the establishment sewerage system shall be disconnected.

Section 36. Temporary Food Service Establishment.

(1) A temporary food service establishment shall comply with the requirements of this administrative regulation, except as otherwise provided in this section. The cabinet may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and if no health hazard will result, may waive or modify requirements of this administrative regulation, except those requirements of subsections (2) to (10) of this section.

(2) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters, which require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. This prohibition does not apply, however, to any potentially hazardous food that is obtained in individual servings, is stored at a temperature of forty-five (45) degrees Fahrenheit or below, or at a temperature of 140 degrees Fahrenheit or above, and is served directly in the unopened container in which it was packaged.

(3) Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this administrative regulation. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use food grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until used, and if used, it shall be dispensed in a way that protects it from contamination.

(4) Equipment shall be located and installed in a way that facilitates cleaning the establishment and that prevents food contamination. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where necessary to prevent contamination, effective shields for the equipment shall be provided.

(5) Enough potable water shall be available in the establishment for cleaning and sanitizing utensils and equipment and for hand washing. Enough hot water for these purposes shall be provided.

(6) The storage of packaged food in contact with water or undrained ice is prohibited, except that cans or bottles of nonpotentially hazardous beverages may be stored if the water contains at least fifty (50) parts per million of available chlorine and is changed often enough to keep both the water and containers clean.

(7) Liquid waste shall be disposed of in a manner as not to create a public health hazard or nuisance.

(8) A facility shall be provided for employee hand washing. Where water under pressure is unavailable, the facility shall consist of a pan, warm water, hand cleanser, and individual paper towels.

(9) Floors shall be made of concrete, tight wood, asphalt, or other similar cleanable material, except that dirt or gravel floors may be used if graded to preclude the accumulation of liquids and covered with removable, cleanable platforms or duckboards.

(10) Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Screening material used for walls shall be at least sixteen (16) mesh to the inch. Counter service openings shall not be larger than is necessary for the particular operation conducted. If flies are prevalent, counter-service openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Doors and windows, if any, shall be kept closed, except when food is being served.

Section 37. Seasonal Restricted Food Concessions.

(1) A seasonal restricted food concession shall comply with the requirements of this administrative regulation except as otherwise provided in this section. If no health hazard will result, the cabinet may waive or modify requirements of this administrative regulation except those requirements of subsections (2) to (14) of this section.

(2) Only nonpotentially hazardous foods shall be prepared and served by seasonal restricted food concessions except that plain frankfurters may be served with bread. Frankfurters may be heated by steaming or boiling; grilling shall be prohibited. Nachos with cheese sauce may be served. Seasonal restricted food concessions shall provide only single service articles for use by consumers. Condiments such as catsup, mustard, and relish shall be obtained from approved commercially prepared sources and shall be provided in individually prepackaged portions or dispensed from protected pump or squeeze-type dispensers only. The preparation or service of meat or artificial meat sauces shall be prohibited. The use of food or food products canned, prepared or processed in the home is prohibited.

(3) Reconstitutable products or ingredients which contain milk or egg components shall have been made from pasteurized products. Cheese sauce for nachos shall be obtained from commercially approved sources.

(4) Flavorings made from concentrate shall not be formulated or mixed in the home; preparation shall be accomplished in the seasonal restricted food concession or other permitted retail food establishment.

(5) Equipment and utensil cleaning and sanitization. Cleaning and sanitizing of food equipment and utensils shall be accomplished in a manner that complies with applicable requirements of Section 17 of this administrative regulation. In seasonal restricted concessions where running water and sewerage are impracticable and where only the use of basic utensils such as knives, tongs, or scoops is necessary, utensil washing facilities shall consist of three (3) containers sufficiently large enough for immersion of the utensils requiring washing; the first for hot detergent wash, the second for clean rinse, and the third for a sanitizing rinse. The cleaning and sanitizing of flavoring containers and equipment in the home or other nonpermitted location shall be prohibited.

(6) Equipment and utensil storage. All cleaned and sanitized utensils and equipment in a seasonal restricted food concession shall be stored and handled consistent with requirements of Section 18 of this administrative regulation.

(7) Sanitary facilities and controls.

(a) If running water is available it shall be potable, adequate and from a supply approved pursuant to the requirements of the Cabinet for Natural Resources and Environmental Protection administrative regulations 401 KAR Chapter 8.

(b) All water not provided by pipe to the establishment shall be obtained from an approved source, shall be potable, shall be transported in protected food grade bulk containers and shall be of sufficient quantity for the operation. Hot water, at least ninety-five (95) degrees Fahrenheit, shall be provided for utensil and hand washing. An insulated container may be used. A push button or turn spout shall be provided through which potable water may be drawn from the storage container for hand and utensil washing.

(8) Liquid waste. All nonsewage liquid shall be collected and disposed of in accordance with applicable requirements of Section 24 of this administrative regulation.

(9) Plumbing and toilet facilities.

(a) All plumbing shall comply with applicable provisions of the State Plumbing Code, KRS Chapter 318.

(b) Sanitary toilet facilities shall be provided for employees and shall comply with the requirements of the State Plumbing Code, KRS Chapter 318, and Section 22 of this administrative regulation; provided that where an approved sewage system with running water is impracticable, commercial type portable toilet facilities shall be provided for employees and shall be serviced and maintained in a sanitary manner.

(c) Written permission shall be obtained and made available for health authority review, for use of convenient toilet facilities if not owned by the seasonal restricted food concession operator.

(10) Hand washing facilities.

(a) Where running water is impracticable an ample supply of water, as described in subsection (7) of this section, shall be provided for washing hands. Wastewater shall be collected and disposed of in a manner that will not create a public health nuisance.

(b) If a seasonal restricted food concession is located adjacent or connected to a facility with existing approved water and sewerage facilities properly plumbed hand-washing facilities shall be provided conveniently located for employees where the operation requires manual contact with food.

(11) Garbage and refuse. Garbage and refuse shall be collected, stored and disposed of in accordance with the requirements of Section 24 of this administrative regulation.

(12) Construction, maintenance, and cleaning of physical facilities.

(a) Construction, maintenance and cleaning shall be carried out in accordance with applicable requirements of Sections 26 and 27 of this administrative regulation except as provided in paragraphs (b) and (c) of this subsection.

(b) Seasonal restricted food concessions which are located in open-air areas shall be completely enclosed or equipped with an eighteen (18) inch maximum high service opening

that is either self-closing or equipped with an air current to preclude the entry of flying insects when prevalent.

(c) Floors shall be made of concrete, tightwood, asphalt, or other similar cleanable material; gravel or dirt floors shall be prohibited.

(13) Plan review. If a seasonal restricted food concession is constructed or extensively remodeled, or if an existing structure is converted for use as a seasonal restricted food concession, appropriate plans with specifications for the construction, remodeling or alteration showing size, location, type of interior wall, ceiling and floor construction including the method of outer opening protection shall be submitted to the cabinet for review and approval before construction is begun.

(14) Inspection frequency. The cabinet shall inspect each seasonal restricted food concession at the time of initial permit issuance and at least once during each eight (8) month period of operation thereafter, with as many additional inspections and reinspections as necessary.

DFS-218 (5-94)

CABINET FOR HUMAN RESOURCES
DEPARTMENT FOR HEALTH SERVICES
Frankfort, KY 40621

CONCESSIONAIRES FOOD SANITATION GUIDELINES

NOTE: ALL TEMPORARY FOOD SERVICE ESTABLISHMENTS SHALL BE PERMITTED BY THE DEPARTMENT PRIOR TO OPERATION
PLEASE POST IN CONCESSION

<p>FOOD PROTECTION</p> <ul style="list-style-type: none"> * Keep potentially hazardous foods (meats, poultry, seafoods, milk, eggs, coffee creamers-both dairy and non-dairy type, or any foods containing such products at 45°F or below or 140°F or above during storage, display, and transportation. (Item 3) * Provide adequate facilities for maintaining foods at safe temperatures during preparation, storage, display, service, and transportation. (Item 4) <p>Provide visible thermometers in all hot and cold food units (including freezers) and metal-stemmed thermometers for monitoring internal temperatures of potentially hazardous foods during storage, service, preparation, and display. (Item 5)</p> <p>Store containers of foods off or above the floor, preferably a minimum of 6 inches. (Item 8)</p> <ul style="list-style-type: none"> * Store coffee creamers (both dairy and non-dairy type) and other packaged foods refrigerated or, in drained ice, do not allow them to rest in the water. (Items 3 & 8) <p>To prevent contamination provide counter protector devices, cabinet cases, containers, or other protective equipment where unwrapped food is placed on display. (Item 8)</p> <p>To prevent contamination from dust, flies, coughs, sneezes, overhead drippings, etc. cover food during preparation, storage, display, service, and transportation. Uncover only when actually preparing or serving to customers. (Item 8)</p> <p>Provide and use scoops for handling edible ice, store scoop with handle out of ice. Do not store containers of foods in edible ice. (Items 9 & 10)</p>	<p>Cleaning/ Sanitizing Facilities Three (3) containers, approved sanitizer, and detergent must be provided. (Item 16)</p> <p>Chemical Test Kit Provided A testing kit or device shall be provided that accurately measures the parts per million (ppm) concentration of sanitizing solution. (Item 17)</p> <p>Cleaned and sanitized utensils and equipment must be stored so that there is no danger of becoming contaminated. Do not towel dry utensils. (Item 24)</p>
<p>PERSONNEL</p> <ul style="list-style-type: none"> * No smoking is allowed in food preparation, serving, and utensil washing areas. (Item 12) <p>All persons engaged in the preparation of foods, and utensil washing must wear effective hair nets or hats. (Item 13)</p>	<p>HANDWASHING</p> <ul style="list-style-type: none"> * Provide water in separate containers for handwashing and utensil washing. Do not use the same container for both purposes. (Item 12 & 31) * Provide and use hand cleansers and approved sanitary towels for handwashing. (Item 32)
<p>FOOD EQUIPMENT & UTENSILS</p> <p>For easy cleanability food contact surfaces of utensils must be smooth, in good repair, not chipped or cracked, Enamelware and graniteware are not acceptable. (Item 14)</p> <p>Food contact and non-food contact surfaces of equipment must be smooth, not worn, in good repair, and of approved material. Do not use towels, foil, linoleum, oil cloths, etc. to cover such surface. (Items 14 & 15)</p> <p>Non-food contact surfaces (stoves, refrigerators, shelves, tables, counters, deep fat fryers, etc.) must be kept clean. (Item 23)</p> <p>Ice contact surfaces must be smooth, easily cleanable. Do not use styrofoam or similar containers for ice or food storage. (Item 14)</p> <p>Single service articles (cups, forks, spoons, straws etc.) must be stored, dispensed, and handled so that they are protected from contamination. (Item 25)</p>	<p>GARBAGE & REFUSE</p> <p>Store garbage and rubbish in durable, washable containers. Do not use boxes, paper bags, or similar absorbent material. Empty containers so that they do not overflow. (Item 33)</p> <p>Keep all garbage and rubbish containers covered with lids when not in actual use. (Item 33)</p> <ul style="list-style-type: none"> * Dispose of liquid and solid waste in designated areas only. Do not create a nuisance by disposing of such waste adjacent to food service establishments. (Item 28)
<p>* CRITICAL ITEMS REQUIRING IMMEDIATE CORRECTION</p>	<p>FLY & INSECT CONTROL</p> <ul style="list-style-type: none"> * Prevent the entrance of flies by use of effective screening or similar material. KEEP FLIES OUT. (Item 35) <p>POISONS & TOXIC ITEMS</p> <ul style="list-style-type: none"> * Store poisonous compounds (insect spray, oven cleaner, polishes, etc.) and bactericides and cleaning compounds (bleach, cleansers, soaps, detergents, etc.) so that there is no danger of contaminating food, food contact surfaces or utensils. Do not store insecticides near bactericides, cleaning compounds, or toxins. (Item 41) <p>FLOOR CLEAN</p> <p>Floors must be kept free of dirt, grease, and other soil. Do not use sawdust on floors. (Item 36)</p> <p>LIGHT SHIELDS</p> <p>Shield all lighting fixtures located over, by, or within food storage, preparation, and display facilities to protect against broken glass falling into food; provided that recessed heat lamps or approved "Tuft Skin" bulbs may be considered acceptable. (Item 38)</p> <p>ITEM NUMBERS REFER TO THE ITEM NUMBERS OF THE INSPECTION SHEET, DFS-208.</p> <p>IF YOU HAVE ANY QUESTIONS PERTAINING TO THESE REQUIREMENTS, ASK NOW.</p>