



**NEW HANOVER COUNTY  
BOARD OF HEALTH RULES  
GOVERNING THE SANITATION  
OF FOOD VENDORS AT  
SPECIAL EVENTS  
IN  
NEW HANOVER COUNTY  
NORTH CAROLINA**



**EFFECTIVE MARCH 6, 2002**

## TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
1000	PURPOSE	3
1001	GENERAL PROVISIONS	3
1002	DEFINITIONS	3
1003	EXEMPTIONS	5
1004	PERMIT	5
1005	CONSTRUCTION STANDARDS	6
1006	EQUIPMENT AND UTENSILS	7
1007	SOURCES AND PROTECTION OF FOOD	8
1008	HYGIENE AND PERSONNEL	8
1009	WATER SUPPLY	9
1010	TOILET FACILITIES AND DISPOSAL OF WASTE	9
1011	PROCEDURE WHEN INFECTION SUSPECTED	9
1012	RIGHT OF ENTRY	10
1013	APPEALS PROCEDURE	10
1014	REMEDIES	10
1015	SEVERABILITY	10
1016	EFFECTIVE DATE	10

**SECTION 1000      PURPOSE**

To establish standards for vendors which are not regulated by the North Carolina Commission For Health Services Rules Governing The Sanitation Of Restaurants And Other Foodhandling Establishments (15A North Carolina Administrative Code 18A .2600) so as to minimize the risk of disease transmission through the handling of food at special events of short duration such as exhibitions, festivals and street fairs. The New Hanover County Board of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

**SECTION 1001      GENERAL PROVISIONS**

**SCOPE:** Contrary to the provisions of these Rules no person shall construct, operate or renovate any temporary food service establishment. These Rules supersede regulations, requirements, rules and standards relative to temporary food service operations previously adopted by the New Hanover County Board of Health.

**CONFLICT:** The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety, and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

**PERMITS:** No person shall handle, dispense and/or sell food from a temporary food service operation until such has been found to be exempt from these Rules; **OR** inspected, found to comply with these Rules and permitted by the New Hanover County Health Department.

**SECTION 1002      DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of these Rules:

**Approved** means determined by the Department to be in compliance with these rules.

**Board of Health** means the New Hanover County Board of Health.

**Department** means the New Hanover County Health Department or its authorized representative.

**Employee** means any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in any area in which food or drink is handled, prepared or served.

**Environmental Health Specialist** means a person authorized to represent the Department on the local and/or state level in making inspections pursuant to state laws and rules.

**Equipment** means refrigeration, including racks and shelving used in refrigeration, utensil cleaning and sinks, food preparation counters, stoves, ovens, and other food preparation and holding appliances.

**Food** means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

**Good Repair** means that the item in question can be kept clean and used for its intended purpose.

**Hermetically sealed container** means a container that is designed and intended to be secure against entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

**Local Health Director** means the administrative head of a local health department or his authorized representative.

**Person** means any individual, firm, association, organization, partnership, business trust, corporation or company.

**Potentially hazardous food** means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts and treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below or a water activity ( $A_w$ ) value of 0.85 or less.

**Responsible person** means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee is the responsible person.

**Sanitize** means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in Rules Governing The Sanitation of Restaurants And Other Foodhandling Establishments 15A NCAC 18A .2619. Immersion for at least two minutes in the third basin in a chlorine solution containing 50 ppm of available chlorine at a temperature of at least 75°F; **OR** iodine solution containing 12.5 ppm of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75°F; **OR** quaternary ammonium solution containing at least 200 ppm of quaternary ammonium and having a temperature of at least 75°F, provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.

**Sewage** means the liquid and solid human body waste and liquid waste generated by water using fixtures and appliances including those associated with food handling.

**Single-service articles** means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one person used and then discarded.

**Special event** means an event in which businesses, churches, organizations, civic groups and other non-profit organizations and/or persons participating in an exhibition, festival, street fair or similar public gathering including but not limited to the Azalea Festival, City of Wilmington Fourth of July Celebration, Piney Woods Festival, Wing Fling, Chili Cook-Off and Riverfest.

**Temporary food establishment** means those food or drink vendors which operate in a special event and does not meet the definition of a state temporary food establishment.

**Threat to the Public Health** means circumstances that create a significant risk of serious physical injury or serious adverse health effect.

**Utensils** means any kitchenware, tableware, glassware, cutlery, containers and similar items with which food or drink comes in contact during storage, preparation, or serving.

### **SECTION 1003**      **EXEMPTIONS**

These Rules shall not apply to temporary food service operations meeting the following criteria:

- (a) Anyone who meets the qualifications for a North Carolina State Temporary Food Establishment permitted under North Carolina Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments **OR**
- (b) Anyone who is one of no more than two temporary food establishments operating in the special event including any state permitted establishments such as mobile food units, pushcarts or temporary food establishments.

### **SECTION 1004**      **PERMIT**

- (a) A completed application shall be submitted to the Department prior to commencement of the special event.
- (b) No permit to operate a temporary food establishment shall be issued to a person until the temporary food establishment complies with these rules.
- (c) Foods shall be prepared in a permitted establishment and 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.
- (d) Participants shall be responsible for obtaining from the local building code enforcement official and fire department relevant information concerning electrical, fire and safety codes.
- (e) Participants shall be responsible for complying with all other applicable federal, state, and local codes, laws, ordinances, regulations, rules and standards.
- (f) When an inspection by the Department shows that a temporary food establishment fully complies with these Rules, a permit to operate shall be issued to the owner or operator and be

site specific. A permit to operate shall not be transferable.

- (g) The permit to operate shall be posted in a conspicuous place where it will be visible to the public at all times. The owner or operator of the temporary food establishment shall be responsible for keeping the permit posted for the duration of the special event.
- (h) Noncompliance with these Rules shall be sufficient cause for the Department to deny or suspend the permit to operate. A suspended permit to operate shall not be reinstated until an inspection by the Department shows that the temporary food establishment fully complies with these Rules and/or conditions stated on the permit to operate.

#### **SECTION 1005      CONSTRUCTION STANDARDS**

- (a) Temporary food establishments shall be located in clean surroundings and kept in a clean and sanitary condition. They shall be constructed and arranged that food, utensils, and equipment will not be exposed to insects, dust, and other contamination.
- (b) Temporary food establishments shall not be located within 100 feet of animal/poultry pens, stables or yards; in areas that are likely to be flooded; in areas that support vermin harborage; or near other environmental factors/features that contribute to, create or promote unsanitary conditions.
- (c) Protection against flies and other insects in the temporary food establishment shall be provided by screening or effective use of fans.
- (d) 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, ends, and exposed only as much as may be necessary to permit handling and serving of the food.
- (e) All food and food service equipment with the exception of bulk storage and grills with lids shall be located inside an approved covered enclosure and shall not be exposed either to the public or other potential sources of contamination. The space occupied by bulk storage, waste disposal containers any other utility type items shall be treated as an extension of the food service operation. Provisions shall be made to exclude animals from the area comprising the total temporary food establishment.
- (f) A temporary food establishment shall consist of at least one enclosure approved by the Department. All food dispensed at a special event shall be handled, portioned, prepared and served from an approved enclosure. Floors and ceilings shall be constructed of canvas, plastic, wood or other similar impervious material. The roof or ceiling of the enclosure shall extend at least to the outer edge of all bars, counters, tables, cooking, display and preparation equipment. Floors and ceilings shall be maintained in a condition or state of repair so as to be cleanable through routine procedures, and shall be kept clean.

**SECTION 1006      EQUIPMENT AND UTENSILS**

- (a) All eating, drinking and cooking utensils, table, sinks, cabinets, shelves and other equipment used in the operation shall easily cleanable, in good repair and used for the intended design. All griddles, warmers, spatulas, refrigerators, and other utensils and equipment shall be cleaned routinely and maintained in a sanitary manner.
- (b) At least a single vat sink, large enough to wash cooking utensils, pots, and pans must be provided **OR** a series of three basins of an adequate size for washing, rinsing and sanitizing equipment surfaces and utensils must be provided. A suitable testing method should be available to insure minimum prescribed sanitizer strengths. One drain board or easily cleanable, non-porous counter top space must be provided to allow the multi-use items to air dry.
- (c) After bactericidal treatment utensils shall be air-dried and stored above the floor in a clean place. Wherever practicable, clean containers and utensils shall be covered or inverted or stored in tight clean containers.
- (d) Drain racks, trays, easily cleanable non-porous tables and shelves shall be made of not readily corrodible material, and shall be kept clean.
- (e) Spoons, spatulas, dippers, and etc., used for dispensing food shall be kept in the food product with the handle extending out of the food or stored on a clean, dry surface.
- (f) Single-service utensils shall be purchased only in sanitary containers, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Single-service cup dispensers or similar devices shall be used when single-service cups are used.
- (g) Facilities shall be provided for employees' hand washing. This may consist of a (2) gallon closed container of potable water with a cut-off valve, catch basin, antibacterial soap and single-use disposable towels.
- (h) A calibrated metal-stem food thermometer accurate to  $\pm 2$  degrees Farenheit and with a range of 0-220 degrees Farenheit should be available to check food temperatures.
- (i) Adequate coolers or refrigeration/freezer space should be provided for the storage of all perishable foods. Air temperature thermometers accurate to  $\pm 3$  degrees Farenheit should be provided in all coolers or refrigeration/freezer units.
- (j) All small equipment, utensils, multi-use wares and food shall be stored off the floor surface on shelving or pallets.
- (k) Only single service items shall be offered for the public's use.

**SECTION 1007      SOURCES AND PROTECTION OF FOOD**

- (a) 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.
- (b) Wrapped sandwiches shall be obtained from an approved source.
- (c) Poultry, beef, and seafood shall be prepared in an approved market/plant or permitted establishment and be ready to cook. No shell shucking allowed in temporary food establishment.
- (d) Drinks served shall be limited to packaged, canned, or bottled drinks, packaged milk, coffee, or carbonated beverages from approved dispensing devices. No fresh fruit drinks will be allowed.
- (e) All potentially hazardous foods requiring refrigeration shall be kept at or below 45°F (7°C), except when being prepared or served.
- (f) Foods, except raw vegetables, which are to be cooked, shall be kept under cover when not in the process of preparation and serving. Meat and other potentially hazardous foods shall not be stored on the floor, or in direct contact with shelves and racks of cold storage boxes, or permitted to come in contact with dirty clothes, newspapers, pasteboard, previously-used paper, or other contaminated surfaces. If open dishes and pans containing food are stacked, food shall be protected.
- (g) Containers for onions, slaw mustard, and other condiments shall be pump/squeeze type containers. Single serving packets are recommended.
- (h) Employees shall avoid unnecessary handling of food in the process of serving.
- (i) All potentially hazardous foods shall be kept at 45°F or below or at 140°F or above except during preparation or serving processes. Potentially hazardous food requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F except as follows: Poultry-165°F, Pork-150°F, Ground Beef -155°F, Rare Roast Beef-130°F, and Rare Beef Steak-130°F.

**SECTION 1008      HYGIENE AND PERSONNEL**

- (a) No one shall work in a temporary food establishment in which there is a likelihood of contaminating food or food contact surfaces with disease causing organisms or transmitting the illness to other persons.



- (b) All employees shall be clean as to their person and methods of food handling, and shall wear clean outer clothing. All employees shall wear effective hair restraints to prevent the contamination of food or food contact surfaces.
- (c) All employees shall scrupulously wash their hands with soap and water, and then dry their hands with a clean, single-use towel: before starting work; after use of the toilet; prior to any direct contact of the hand(s) with food or food contact surfaces; between the handling of cooked food and raw food; upon returning to work from a break; after drinking, eating or smoking; and at the conclusion to any other activity or procedure where the probably exists of contaminating or cross-contaminating food.
- (d) No employee shall use tobacco in any form within the temporary food establishment.
- (e) A list of all employees including addresses and phone numbers shall be provided to the Department.

**SECTION 1009      WATER SUPPLY**

- (a) Running water under pressure shall be provided in the temporary food establishment unless otherwise approved by the Department. The water supply shall be approved and of a safe, sanitary quality. The Department must approve the water supply connections.
- (b) Provisions shall be made for heating water for the washing of utensils and equipment.

**SECTION 1010      TOILET FACILITIES AND DISPOSAL OF WASTE**

- (a) Convenient and approved toilet facilities to be used by the employees shall be provided. 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.
- (b) Wastewater shall be so disposed of as not to create a nuisance. A wastewater disposal contract must be provided to our office.
- (c) Garbage and refuse shall be collected and stored in standard watertight garbage cans with tight fitting lids or other approved containers or methods. Garbage and refuse shall be collected at least daily and disposed of in a sanitary manner.
- (d) Each operator shall keep his immediate premises clean.

**SECTION 1011      PROCEDURE WHEN INFECTION SUSPECTED**

When the Department has reason to suspect the possibility of exposure to or transmission of an infection within a temporary food establishment from any person or from any food or drink, the Director shall act in accordance with the Communicable Disease Laws and Rules (Chapter 130A Sections 133 through 148 of the North Carolina General Statutes, 15A North Carolina Administrative

Code 19A).

**SECTION 1012      RIGHT OF ENTRY**

Pursuant to authority granted by North Carolina General Statute 130A Section 17, the Department shall have the right to enter upon the premises of any temporary food establishment for the purpose of conducting an inspection and determining compliance with these Rules.

**SECTION 1013      APPEALS PROCEDURE**

- (a) **Local Health Director**: Appeals concerning interpretation and enforcement of these Rules shall be made by written petition to the Local Health Director and shall be made within fifteen (15) days of the challenged action. The Local Health Director may require the appellant to submit such information as deemed necessary to make a decision concerning interpretation and enforcement. The Local Health Director shall respond to affirm, modify or reverse the challenged action. When granting variance from these Rules the Local Health Director may impose such conditions as deemed necessary to protect the public health.
- (b) **Board of Health**: Appeals concerning decisions of the Director shall be made written petition to the Board of Health and shall be made within fifteen (15) days of the challenged action. The Board of Health shall conduct a hearing within forty-five (45) days after receipt of an appeal petition and shall give the appellant not less than fifteen (15) days notice of the date, time and place of the hearing. The Board of Health shall respond to affirm, modify or reverse the challenged action. When granting variance from these Rules, the Board of Health may impose such conditions as deemed necessary to protect the public health.

**SECTION 1014      REMEDIES**

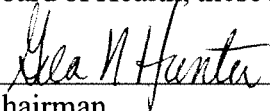
If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

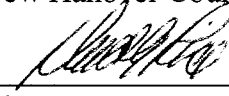
**SECTION 1015      SEVERABILITY**

If any provision of these Rules or the application thereof to any person or circumstance is declared invalid, then the remainder of these Rules or the application of such provision to other persons or circumstances shall not be thereby be affected.

**SECTION 1016      EFFECTIVE DATE**

Adopted March 6, 2002 by the New Hanover County Board of Health, these Rules shall be effective on and after March 6, 2002.

Signed   
Chairman  
New Hanover County Board of Health

Signed   
Director  
New Hanover County Health Department