

TEMPORARY FOOD ESTABLISHMENT FAQ's

Many problems with foodborne illnesses have come about because some individuals were preparing and selling food without proper equipment or the knowledge to properly handle food in substantial volume.

What do I need if I want to have a fish fry to raise money for myself?

You cannot sell food to the public unless you have a valid permit from the Health Department or qualify for an exemption to the permitting requirements. The primary exemption we encounter is for the sale of food by non-profit organizations. These organizations must have a letter from state or federal tax officials indicating they are exempt from paying taxes. For the federal exemption, the food service operator must have a letter indicating they are exempt under section 501© (3) of the Internal Revenue Code. Such organizations may hold any unpermitted sale as long as they do not exceed 2 consecutive days of operation once per month. In addition, the volunteers of the organization must serve the food to the public and collect all money and revenues received. You cannot sell food to the public unless you have a valid permit from the Health Department or qualify for an exemption to the permitting requirements. The primary exemption we encounter is for the sale of food by nonprofit organizations. These organizations must have a letter from state or federal tax officials indicating they are exempt from paying taxes. For the federal exemption, the food service operator must have a letter indicating they are exempt under section (501) (c) (3) of the Internal Revenue Code. Such organizations may hold an unpermitted sale as long as they do not exceed 2 consecutive days of operation once per month. In addition, the volunteers of the organization must serve the food to the public and collect all money and revenues received. A fish fry could be permitted as a TFSE, but only if it was operated in conjunction with a festival, carnival, or similar public exhibition, and the operator met all the permitting requirements. Other options for foodservice would be to purchase and operate a mobile food unit or pushcart; however, these units must also be permitted by the Health Department and must work out of a permitted and inspected facility.

Can I cook foods at my home and sell them at a festival?

No. All foods sold to the public must be cooked and prepared at any approved kitchen, such as a restaurant, or an approved church kitchen. This includes any part of the foodservice, such as the seasoning of the food, cleaning of utensils, cooking or cooling of the food. No preparation or storage of the food to be served to the public at or from the home is allowed. Do I need a permit to sell cakes, candy, popcorn and other fun foods? You will need a business license, but you will not need a Health Department permit unless you plan to serve items like nachos with cheese, meats, dairy items, cooked vegetables, fruit smoothies, or other potentially hazardous foods. You should check with the Zoning Department as preparing even these foods from home may violate Zoning rules.

What about drinks? Can I sell drinks?

You can sell canned or pre-packaged drinks, coffee, or drinks from an approved carbonated dispenser. Pre-packaged drinks must either be served from the original can or bottle or from

disposable cups; they cannot be served in cups that require washing. Lemonade or tea can only be served if they are made from an approved water source. I have a permitted mobile food unit, but was told I still need to complete an application to sell food at a Festival. Why?

A mobile food unit (or pushcart) permit is valid only if you return to your commissary at least once a day for supplies and for restocking, cleaning, and emptying of waste water. In some cases, an event may last several days and you may not be able to move the unit once you are parked. In these cases, you would be required to obtain a temporary food service establishment permit as you could not meet the conditions of your pushcart or mobile food unit permit.

I see people selling food on the streets all the time. What about them?

If these folks have a current valid Health Department permit, it must be posted on the unit. If you do not see the Health Department permits (again, this is a business license), you can call the Health Department to report the operation. Our main number is 910-997-8320. Individuals or groups selling food without a permit from the Health Department can be cited criminally by the Richmond County Police. This means a mandatory appearance in Richmond Superior Court.

What if I want to organize my own festival?

You can do that as long as all requirements are met. You must contact the city, police department, fire department, tax office, Health Department, Zoning Department, and if the event is to take place in a park, the Park and Recreation Department as well. You must make these contacts with sufficient notice so that all concerns can be addressed.

Can you summarize what I need to do to sell food to the public?

Yes, you need to apply for a Temporary Food Service Establishment operating permit from the Health Department. You can contact us at 910-997-8320, but you need to be working in conjunction with a festival, carnival, or other public exhibition to qualify for a TFSE permit. Foodservice operations in conjunction with yard sales, auto sales, auctions and farmers markets would not qualify to TFSE permits. Once you have completed the application for a permit and your application received approval, you need to be ready for the Health Department to inspect your set-up at the site to make sure you have all necessary items to safely prepare and serve the food. No preparation or serving can be done until you receive a written permit from the Health Department. You also need to contact the Business License division of the Tax Office to get a prepared food license. If you decide that you would like to purchase or build a mobile food unit or pushcart so that you can serve food in different locations without having to get a permit each time, you must work out of a permitted and inspected facility and have your unit inspected and permitted by the Health Department prior to any foodservice. If these folks have a current valid Health Department permit, it must be posted on the unit. If you do not see the Health Department permits (again, this is a business license), you can call the Health Department to report the operation. Our main number is 910-997-8320. Individuals or groups selling food without a permit from the Health Department can be cited criminally by the Richmond County Police. This means a mandatory appearance in Richmond County Superior Court. You can do that as long as all requirements are met. You must contact the city police department, fire department, tax office, Health Department, Zoning Department and if the event is to take place in a park, the Parks and Recreation Department as well. You must make these contacts with sufficient notice so that all concerns can be addressed. Yes, you need to apply for a Temporary

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THINK OF A PERMIT AS A GRADE CARD. IT IS YOUR ASSURANCE THAT THE HEALTH DEPARTMENT HAS INSPECTED AND APPROVED NOT ONLY THE FOOD YOU ARE ABOUT TO EAT, BUT ALSO THE FOOD HANDLER AND THE FOODS SURROUNDINGS. ALL OF THIS IS DONE TO KEEP YOU SAFE.