

290-5-14-.08 Special Food Service Operations.

(1) Mobile Food Service Units and Extended Food Service Units.

(a) **Compliance Required.** Mobile food service units and extended food service units shall comply with the requirements of this Chapter, except as otherwise provided in this subsection and as specified under subsection (1)(b) of this Rule.

1. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation; or

2. May prohibit the sale of some or all potentially hazardous food, and

3. When no health hazard will result, may modify requirements of this Rule relating to physical facilities, except those requirements specified under subsections (1)(e) and (f) of this Rule.

(b) Exceptions to Compliance.

1. Mobile food service units and extended food service units serving only food prepared, prepackaged in individual servings, transported and stored under conditions meeting the requirements of the Chapter; or

2. Beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this Chapter pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization if the required equipment for cleaning and sanitization exists at the commissary or other approved base of operation.

3. Frankfurters, precooked encased sausages, and similar approved foods requiring heating only may be prepared and served from enclosed type mobile food service units approved for such purpose having handwashing and utensil sanitation facilities on the unit, positioned at a fixed location, and operating from an approved commissary or base of operation.

(c) Equipment and Supplies Required.

1. Units preparing potentially hazardous foods on the unit shall utilize thermostatically controlled heating and cooling units for those foods stored or displayed on the unit requiring controlled heating or refrigeration.

2. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.

3. Each unit must have two separate sinks, -one for hand-washing and the other for warewashing.

4. Mobile food service units and extended food service units shall provide only individually wrapped single-service articles for use by the consumer.

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1. A mobile food service unit and extended food service unit requiring a water system shall have a potable water system as specified under Rule .06 subsection (1)(k), and the water system shall be under pressure.

2. Mobile water tanks and mobile food service unit water tanks shall meet all the requirements specified under Rule .06 subsections (3)(a) - (n) as it relates to materials, design, construction, installation, numbers and capacities, and operation and maintenance of these tanks.

3. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this regulation.

(e) **Liquid Waste.** The sewage holding tanks for all mobile food service units and extended food service units, and all sewage and liquid waste resulting from the operation of a mobile food service unit or extended food service units shall meet the requirements of and be handled as specified under Rule .06 subsections (4)(a), (e), (f), (g), (h) and (i) as it relates to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal.

(f) Operation.

1. Mobile food service units and extended food service units shall operate from a base of operation or fixed food service establishment.

2. Mobile food service units shall report at least daily to such location for supplies and/or cleaning and servicing operations.

3. Extended food service units shall be serviced daily from the base of operation.

4. The base of operation or fixed food service establishment used as a base of operation for mobile food units and extended food service units shall be constructed and operated in conjunction with the mobile food service unit or extended food service unit to be in compliance with the requirements of this Chapter.

5. When not in use, mobile food service units shall be properly stored at the base of operation or other location approved by the Health Authority.

(g) Construction.

1. Units preparing and serving potentially hazardous foods shall be so constructed that the operator must prepare and serve food from within a fully enclosed area of the unit. Units preparing snow cones and popcorn shall be constructed so that the food preparation and service areas are fully enclosed.

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2. The service area requirements are as follows:

(i) A mobile food service unit servicing area shall be available and shall include at least overhead protection for any supplying, cleaning, or servicing operation;

(ii) There shall be a location and equipment for the flushing and drainage of liquid wastes separate from the location and equipment provided for water servicing and for the loading and unloading of food and related supplies;

(iii) The servicing area will not be required where only packaged food is placed on the mobile food service unit or where mobile food units do not contain waste retention tanks;

(iv) The surface of the servicing area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid and sealed asphalt and shall be maintained in good repair, kept clean, and be graded to drain; and

(v) The construction of the walls and ceilings of the servicing areas is exempted from the provisions of Rule .07 subsections (2)(a) - (f).

(h) Identification.

1. All mobile food service units and extended food service units shall be identified by a sign or lettering indicating the name and address of the owner, the operator and the permit number. Letters and numbers must be at least two inches (2") high.

2. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(i) Location.

1. The food vending area requirements are as follows:

(i) A mobile food service unit or an extended food service unit must restrict operation to a maximum of two (2) locations or areas stipulated by the permit;

(ii) The operator must provide evidence of legal access and use of the premises for food vending; and

(iii) If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements.

2. Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the Health Authority's discretion to meet lesser restrictions if sanitation, temperature control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment.

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(j) **Compliance with Other Regulations.** The operation must comply with all applicable regulations and ordinances.

(k) **Home Prepared Foods Prohibited.** Home prepared foods or condiments are prohibited from service, use and/or sales on mobile food service units.

(2) Temporary Food Service Establishments.**(a) Operation, Permit Application, Responsibilities.**

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event.

3. The following applies to a vendor application:

(i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.

(ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, (to include the menu items) and the signature of the applicant.

4. The organizer's responsibility is the following:

(i) It will be the organizer's and/or property owner's responsibility to ensure that only vendors permitted by the Health Authority are allowed to participate in the event;

(ii) The organizer / property owner must also notify the Health Authority 30 days prior to the event taking place by providing a list of food vendors who will be allowed by that organizer to participate in the event; and

(iii) Any unauthorized or un-permitted vendor found participating in an event shall be charged with a violation of this Rule and ordered by the organizer or property owner to leave the event premises.

(b) Inspections.

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.

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2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The current temporary food service inspection report shall be displayed in a conspicuous place wherein it is easily readable by the public.

(c) Operations.

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in Rule .08 subsections (2)(a) through (h).

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for potentially hazardous foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities.

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.

(d) Preparation and Service - Potentially Hazardous Foods.

1. Any potentially hazardous food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served.

2. Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served.

3. 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.

4. *This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings, at 135°F (57°C) or above in facilities meeting the requirements of this article, and is served directly in the unopened container in which it was packaged.*

5. Home prepared foods or condiments are prohibited from service, use and/or sales in temporary food service units.

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(cont.)

(e) Equipment and Supplies Required.

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing.

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter,

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture,

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination, and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited.

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer.

5. A heating facility capable of producing enough hot water shall be provided on the premises.

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority.

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises.

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.

(f) Liquid Waste. All sewage including liquid waste shall be disposed of as specified under Rule .06 subsections (4)(h) and (i).

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(cont.)

(g) Construction.

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material kept in good repair and clean.
2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.
3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
4. Air curtains shall be properly designed and installed, and approved by the Health Authority.
5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather.
6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

(h) Protection from Contamination.

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted.
2. Counter-service openings shall not be larger than necessary for the particular operation conducted.
3. These openings shall be provided with effective means to restrict the entrance of flying insects.
4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.
5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices.
6. Open, unprotected display or service of food is prohibited.

(i) Exceptions to Compliance. Temporary food services which:

1. Are sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection of (a) of Code Section 48-7-25 or under Internal Revenue Code Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

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2. Last 120 hours or less; and

3. When sponsored by such an organization, is authorized to be conducted pursuant of a permit issued by the municipality or county in which it is conducted.

Authority O.C.G.A. 26-2-373, 31-2-4. Administrative History. Original Rule entitled "Inspection of Premises" was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and a new Rule entitled "Transportation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction and Maintenance of Physical Facilities" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Special Food Service Operations" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007.