(1) 90 percent shall receive a grade A;
(2) 80 percent and less than 90 percent shall receive a grade B;
(3) 70 percent and less than 80 percent shall receive a grade C.

Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for food establishments receiving a score of less than 70 percent.

(b) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved as meeting the standards in this Paragraph by the State. The alphabetical and numerical rating shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the regulatory authority, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be labeled as an award.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2663 OUTDOOR DINING AND BEVERAGE FACILITIES

(a) A food establishment may provide outdoor dining and beverage service.

(b) Beverages may be prepared outdoors if all equipment and utensils are provided with overhead protection.

(c) Portable cooking, food, and beverage serving facilities shall be allowed for food service provided to a club, organization, or private individual as a planned event and from which the public is excluded. All open food and utensils shall be provided with overhead protection or otherwise equipped with individual covers such as domes, chafing lids, or cookers with hinged lids.

(d) Food and beverage equipment and supplies shall be located in enclosed areas and protected from environmental contamination when not in operation.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2664 SUPPLEMENTAL COOKING ROOMS

The following construction standards apply to food establishments cooking on grills, pits, or fireplaces in supplemental cooking rooms:

(1) Grills, pits, and fireplaces shall be kept clean, maintained in good repair, and located in an enclosed room as specified in Sections 6-202.15 and 6-202.16 of the Food Code as amended by Rule .2656 of this Section and shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
(2) Walls and ceilings shall be kept clean and in good repair.
(3) Floors shall be constructed of easily cleanable concrete or equal and graded to drain.
(4) Water under pressure shall be provided for floor cleaning.
(5) Ventilation systems and devices shall prevent grease or condensation from collecting on walls and ceilings.
(6) A handwashing sink shall be provided as specified in Section 5-202.12 of the Food Code as amended by Rule .2655 of this Section.
(7) Lighting shall comply with Sections 6-202.11 and 6-303.11 of the Food Code as amended by Rule .2656 of this Section.
(8) All food shall be processed in an area meeting the requirements for operation and construction as set forth in Rules .2650 through .2657 of this Section.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2665 TEMPORARY FOOD ESTABLISHMENT AND TEMPORARY FOOD ESTABLISHMENT COMMISSARY PERMIT REQUIREMENTS

(a) A permit shall be issued by the regulatory authority to each temporary food establishment and temporary food establishment commissary that complies with Rules .2665 through .2669 of this Section. Temporary food

establishments and temporary food establishment commissaries are not eligible for transitional permits. A single permit shall be issued for a temporary food establishment that does not operate consecutive days as long as the total number of days does not exceed 21. The permit shall be posted in a conspicuous place designated by the regulatory authority. The permit shall include:

(1) Name and location of the temporary food establishment and temporary food establishment commissary;
(2) Permit holder;
(3) Name and location of the event;
(4) Dates of operation; and
(5) Any other conditions necessary to remain in compliance with this Section.

(b) No food preparation shall occur prior to a permit being issued by the regulatory authority.

(c) When affiliated with a temporary food establishment for an event where the food will be served, a temporary food establishment commissary permit for prior food preparation may be issued for advance or off-site preparation. A temporary food establishment commissary may commence operation no more than 7 days prior to the event and operate for the length of the event up to a time period not to exceed 21 consecutive days.

(d) Temporary food establishments and temporary food establishment commissaries shall make application to the regulatory authority no fewer than 15 calendar days prior to commencing operation. This 15-day requirement does not prohibit the submission of applications for substitute vendors provided that these applications are submitted no fewer than 3 business days prior to the event. Applications shall be submitted to the regulatory authority and shall include the following:

(1) Name, mailing address, and telephone number of the permit holder of the temporary food establishment or temporary food establishment commissary;
(2) Name and location of the event at which the temporary food establishment operated immediately prior to the current event for which applying, if applicable;
(3) Name, mailing address, and telephone number of the event organizer;
(4) Event name, location, dates, and hours of operation;
(5) Proposed menu, food handling procedures, including anticipated food volume and sources;
(6) Food equipment list;
(7) Proposed water supply;
(8) Provisions for sewage and other waste disposal; and
(9) Any information necessary to ensure compliance.

(e) The regulatory authority shall require documentation to verify any provision of Rules .2665 through .2669 of this Section.

(f) The regulatory authority may condition the permit to ensure compliance with Rules .2665 through .2669 of this Section.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2666 TEMPORARY FOOD ESTABLISHMENT FOOD HANDLING REQUIREMENTS

(a) All sources of food in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653.

(b) Raw meat, poultry, and fish in temporary food establishments shall be purchased in ready-to-cook portions, except that cutting and skewering shall be allowed where evaluation by the regulatory authority determines sufficient preparation areas and food equipment are provided.

(c) Salads containing ingredients that are cooked and cooled shall not be prepared in the temporary food establishment or temporary food establishment commissary, but may be served.

(d) Shellstock and shucked shellfish in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.

(e) All food in temporary food establishments shall be protected in accordance with Chapter 3 of the Food Code as amended by Rule .2653 of this Section and the following also apply:

(1) The regulatory authority may approve food preparation and storage for a temporary food establishment at a permitted temporary food establishment commissary or other permitted food establishment;

(2) Temporary food establishment or temporary food establishment commissary operations shall not be conducted in any room or area used for purposes not related to the temporary food establishment or other permitted food establishment;
(3) Food shall be secured in a manner to prevent tampering and contamination at all times;
(4) Ready-to-eat food shall not be stored in direct contact with ice; non-mechanical coolers must be provided with a drainage port;
(5) All food shall be stored above the ground or floor and arranged to prevent contamination of foods;
(6) Potentially hazardous food (time/temperature control for safety food) that has been heated at the temporary food establishment or temporary food establishment commissary shall not be sold or held for use on subsequent days. Approval shall be granted to allow cooling and reheating of potentially hazardous food (time/temperature control for safety food) if the food can be handled in accordance with the rules of this Section; and
(7) The regulatory authority shall further limit the food to be prepared or served, based on methods of preparation and the adequacy of facilities, equipment, utensils, and available utilities.

(f) Food prepared at a previous event or potentially hazardous food (time/temperature control for safety food) removed from original packaging shall not be served at a subsequent event in a temporary food establishment.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2667 TEMPORARY FOOD ESTABLISHMENT EMPLOYEE REQUIREMENTS

(a) Food employees in temporary food establishments shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.
(b) Employees in temporary food establishments shall wash their hands in a handwashing facility before starting work, after each visit to the toilet, and as often as necessary to remove soil and contamination.
(c) Employees in temporary food establishments shall not use tobacco in any form or consume food in food preparation, storage or serving areas, utensil washing, or utensil storage areas.
(d) Employees in temporary food establishments may consume beverages in the food establishment only if covered and consumed in a manner to prevent contamination of food and food-contact surfaces.
(e) Employees in temporary food establishments shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule .2652 of this Section.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2668 TEMPORARY FOOD ESTABLISHMENT EQUIPMENT AND UTENSIL REQUIREMENTS

(a) Equipment and utensils in temporary food establishments shall be kept clean and maintained in good repair. Those surfaces that come into contact with food, drink, or utensils shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
(b) Equipment and utensils in temporary food establishments shall be cleaned, sanitized, stored, and handled in accordance with Parts 4-6 and 4-7 of the Food Code as amended by Rule .2654 of this Section.
(c) When multi-use utensils other than eating and drinking utensils are used in temporary food establishments, three basins of sufficient size to submerge, wash, rinse, and sanitize utensils shall be provided. Other equivalent products and procedures may be used in accordance with Part 4-7 of the Food Code as amended by Rule .2654 of this Section. At least one drainboard, table, or counter space shall be provided for air-drying.
(d) When multi-use eating and drinking utensils are used in temporary food establishments, a three-compartment sink of sufficient size to submerge, wash, rinse, and sanitize utensils must be provided. Drainboards shall be provided as specified in Section 4-301.13 of the Food Code as amended by Rule .2654 of this Section.
(e) Wash, rinse, and sanitizing solutions shall be maintained in temporary food establishments as specified in Sections 4-501.18 and 4-501.19 of the Food Code as amended by Rule .2654 of this Section.
(f) A food preparation sink must be provided for washing produce in temporary food establishments.

(g) Food shields or other effective barriers in temporary food establishments shall be installed in a manner to protect food and food contact surfaces from contamination.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*

15A NCAC 18A .2669 TEMPORARY FOOD ESTABLISHMENT PHYSICAL REQUIREMENTS

(a) A temporary food establishment shall be located in an area kept in a clean and sanitary condition. The arrangement of temporary food establishments shall restrict public access to all areas of the food establishment except dining areas.

(b) For outdoor cooking, overhead protection shall be provided such that all food, utensils, and equipment are protected. When bulk foods such as roasts, shoulders, and briskets are cooked, cooking equipment with attached lids, such as smokers, roasters, and other cooking devices, provide sufficient cover for the food being cooked. Food in individual servings such as hot dogs, hamburgers, and meat kabobs shall have additional overhead cover.

(c) Effective measures such as fans, screens, walls, or a combination thereof, shall be provided to keep dust, insects, rodents, animals, and other sources of potential contamination out of the food establishment and shall comply with Paragraph 6-501.115(B) of the Food Code as amended by Rule .2656 of this Section regarding live animals.

(d) Indoor/outdoor carpeting, matting, tarps, or similar nonabsorbent material is required as ground covering in the absence of asphalt, concrete, grass, or other surfaces that control dust or mud.

(e) The temporary food establishment and temporary food establishment commissary shall be equipped with a handwashing facility used only for employee handwashing. This facility shall consist of at least a two gallon container with an unassisted free flowing faucet such as a stopcock or turn spout, soap, single-use towels, and a wastewater receptacle. Warm water shall be used for handwashing.

(f) Water under pressure shall be provided as follows:

(1) The water supply used shall be in accordance with 15A NCAC 18A .1700, 15A NCAC 18C, or 02 NCAC 09C .0703;

(2) All potable water holding tanks, containers, and hoses used to transport or store water at the temporary food establishment shall be drained, washed, rinsed, and sanitized;

(3) Containers and hoses used to store, haul, or convey potable water shall be approved for potable water use, shall not be used for any other purpose, and shall be protected from contamination. Potable water hoses and containers shall be labeled; and

(4) Warm water shall be available and used for cleaning.

(g) Wastewater shall be disposed in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200. Portable wastewater containers may be used when the volume of potable water can be determined by the dimensions of sinks, basins, and interim storage containers and the portable wastewater containers are sized to contain the wastewater volume generated. Wastewater containers and hoses shall be labeled and not used for any other purpose. Wastewater containers shall not be emptied into waterways, storm drains, or on the ground.

(h) Employees must have access to toilet facilities that are kept clean and in good repair.

(i) Garbage and refuse shall be collected and stored in garbage containers with properly fitted lids. Nothing in this Rule shall prohibit uncovered garbage containers in the food establishment during periods of operation. Garbage and refuse shall be removed as needed and disposed in a manner to prevent vermin breeding and harborage. The premises shall be kept clean.

(j) Lighting shall comply with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section. Lighting is required for nighttime operations.

(k) Temporary food establishments and temporary food establishment commissaries shall remain connected to necessary utilities at all times food is prepared, served, or stored in the food establishment.

(l) Toxic materials shall be labeled, used, and stored to prevent the contamination of food, equipment, utensils, linens, and single-service articles and meet the provisions of Sections 7-101.11 and 7-203.11 of the Food Code as amended by Rule .2657 of this Section.

History Note: *Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.*