



# Temporary Retail Food Establishment Guide

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Public Health Inspections  
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A temporary retail food establishment refers to a retail food establishment, other than a licensed mobile retail food establishment or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Denver's outdoor events, including farmers markets, attract over two million visitors, annually. The success of these events is based, in part, on the local food vendors who return each year to participate. The City of Denver's Department of Environmental Health works closely with food vendors to ensure that the health of the public is protected. Inspections are conducted at special events to ensure the food served is safe for consumers. The requirements for operating as a temporary retail food establishment are listed in Chapter 10 of the City and County of Denver Retail Food Establishment Regulations. All food vendors selling potentially hazardous food and/or non-prepackaged food must obtain a temporary retail food establishment license.

### License Requirements for a Temporary Retail Food Establishment

The requirement for a Temporary Retail Food Establishment License is required based upon the food served. Not-for-profit or charitable organizations do not need a license and may prepare, serve, and sell food/beverage in conjunction with a special event or celebration if the activity is for that event or celebration and the event(s) does not exceed a total of 52 days in a calendar year. The charitable organization must be principally located in the City and County of Denver.

A temporary retail food license is required if you plan to sell any potentially hazardous food (PHF). PHF is food that includes, but is not limited to, hamburgers, hot dogs, chicken, deviled eggs, refried beans, cooked rice, cut melons, and ice.

A temporary retail food license is not required for:

- Establishments preparing and serving only hot coffee, hot tea, instant hot beverages - popcorn with no added ingredients other than salt and butter - non-potentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling.
- Establishments that handle only non-potentially hazardous pre-packaged food.
- Sellers that offer only uncut fresh fruit and vegetables.
- Operations that supply only pre-packaged non-potentially hazardous food, drinks in bottles, chewing gum, or salted nuts in the natural protective coating.
- Non-profit or charitable organizations

Contact the department to assist you in determining whether or not you need to apply for a license.

### Obtaining a temporary retail food license

To obtain a temporary retail food license, you must:

1. Complete an Affidavit of Commissary. The affidavit of commissary must be completed by you in conjunction with the commissary operator. If your commissary kitchen is outside the City and County of Denver, bring a copy of the establishment's current Retail Food License. Restaurants with liquor licenses may not be approved for use as a commissary unless approved by the Denver Department of Excise and Licenses.
2. Schedule an appointment for a menu review with the Denver Department of Environmental Health, Public Health Inspection, in advance, by calling 311 or 720-913-1311.

A menu review is a brief meeting between the operator of the temporary retail food establishment and department staff. You will discuss the food you plan to serve, your methods of food preparation, and the equipment requirements for your operation. You will need to bring a complete list of all the types of food you plan to serve and an affidavit for your commissary kitchen. A commissary kitchen is a licensed, inspected commercial kitchen that is used for storage, preparation, and ware-washing.

Be prepared to answer detailed questions regarding your operation. It is important that you carefully plan your entire operation (including food sources, food and equipment storage, food preparation, and booth set-up) prior to this meeting.

3. Complete the Temporary Retail Food Establishment application with the Denver Department of Environmental Health, Public Health Inspections located on the 2<sup>nd</sup> floor at 200 W 14<sup>th</sup> Avenue. The application paperwork may be completed prior to arriving at Environmental Health (although it is not required).

On the menu review application, you must list all the types of food that you will be serving for the entire year under the license. If you decide to add additional menu items after you have already obtained your license, you can schedule a brief appointment with the Department of Environmental Health to get these menu items added to your license.

4. Submit the approved paperwork to the Denver Department of Excise & Licenses, located on the 2<sup>nd</sup> floor at the Wellington Webb Building at 201 W. Colfax Avenue, to obtain a Temporary Restaurant License from Excise & License.

### Commissary kitchen and Affidavit of Commissary

A commissary kitchen is a licensed, inspected commercial kitchen that is used for storage, preparation, and ware-washing. **Absolutely no food storage, food preparation, or ware-washing may be conducted in your home or in any other non-commercial kitchen.**

Some liquor licensed facilities may not be accepted by the Department of Excise and Licenses as a commissary. If you do not own the kitchen that is being used as your commissary, you must obtain written permission from the owner that states you are permitted to use the kitchen for food and equipment storage, food preparation, and post-event clean-up. Permission should be provided on company letterhead, or you may obtain an Affidavit of Commissary form from the Department of Environmental Health. An affidavit of commissary is an agreement between you and the commercial kitchen operator that indicates that you have permission to use that kitchen and facility for storing and preparing the food on your menu. You must bring the completed letter or form with you at the time of your menu review.

Although your commissary kitchen does not need to be in the City and County of Denver, it should be within a reasonable commuting distance of the city so that you can conduct ware-washing, store food, and store equipment at the end of each day of an event. The length of the event and the menu served will be used to determine if your commissary is within a reasonable distance.

### Food Preparation

The City and County of Denver prohibits the extensive preparation of food at temporary retail food establishments due to the increased risk present in outdoor and special event settings. As indicated in The Retail Food Establishment Regulations, the “slicing, dicing, chopping, processing, pre-portioning, mixing,

or other **extensive preparation** of food on-site is prohibited.” Based on this restriction, all advance preparation must be conducted at the commissary kitchen. The only preparation that is allowed at temporary events is preparation for which there is no reasonable alternative. For example, the slicing of ribs after they are grilled is permitted at temporary events. Please note that use of gyro and pastor rotisseries is not permitted at special events. Failure to comply with this requirement may result in confiscation of food, fines, court summons, or suspension of operations. If you have questions about what constitutes extensive preparation, please contact the department.

## Required Equipment and Supplies

Equipment required to operate a retail food establishment varies based upon the menu served. Basic requirements include:

### **1. Hand-washing Station**

Perhaps the most important piece of equipment you need in your food booth is a properly equipped hand-washing station. You are permitted to use a commercial, portable hand sink. You may also use a (minimum) 5-gallon container that has a free-flowing dispensing valve, as depicted in the picture. The dispensing valve should have an ‘on’ and ‘off’ position so that both your hands are freed for proper hand washing. The set-up must be used in conjunction with soap, single-use towels, and a catch bucket beneath to collect dirty water. The hand-washing station must face the inside of the booth and must be easily accessible from all booth locations. It should also be set up at table height. Be sure to keep plenty of extra water on hand. Filling the hand washing supply water container with warm water (approximately 90-110°F) is recommended.

If the event organizer provides hand-washing stations near your booth, you are still required to have your own hand-washing station set up. Failure to properly set up a hand-washing station will result in immediate closure of your booth.



### **2. Sanitizer**

Sanitizer is a chemical solution used to minimize and prevent cross contamination. In your booth, you should use sanitizer on counters and equipment to kill harmful bacteria. Keep your sanitizer in a clean container with wiping cloths. Spray bottles of sanitizer with disposable paper towels may be

used in place of buckets and cloth towels. The most commonly used sanitizers are chlorine, iodine, and quaternary ammonia compounds. Degreasers, soaps, detergents, Lysol, Pine-sol, and antibacterial solutions or gels are not sanitizers.

Guidelines for sanitizer use:

Chlorine	50 - 200 ppm	(1 teaspoon in each gallon of water)
Quaternary Ammonia	100 - 400 ppm	(Use the manufacturer instructions on the container label for mixing sanitizer)
Iodine	12.5 - 25 ppm	(Use the manufacturer instructions on the container label for mixing sanitizer)

Whatever sanitizer you use, it is essential to:

- Use it at the correct concentration. Sanitizer should not be greater than the recommended strength since this may cause skin irritation and may be toxic.
- Test the strength of the solution with the correct test strip. Verify chemical concentrations as specified on manufacturer's label.
- Use warm water (not hot!) at approximately 70°F- 90°F.
- Use only ONE chemical in a solution. Do not add soap or any other chemicals.

If you plan to use chlorine as a sanitizer, be careful not to leave your sanitizer bucket in the sun. Exposure to direct sunlight decreases the life of the sanitizer. Change your sanitizer bucket at least every 2-4 hours or as often as necessary to maintain the required concentration. Check the concentration frequently throughout the day using the correct test strips.

Sanitizer is not a cleanser. You may want to have buckets for soapy water to aid in limited cleaning of food spills.

### **3. Cooking and Holding Equipment**

All the cooking and holding equipment you use at the event should be commercial grade and maintain proper food temperatures.

The use of sterno/gel fuel is prohibited at outdoor events because it does not keep food at a consistent temperature over a long period of time in an outdoor event setting.

If you plan to use ice chests, be sure that they are fully packed with ice and equipped with a drain plug to drain melt-water. Be sure to have plenty of back-up ice.

All steam tables and cold tables must be equipped with lids. All food must be transported from the commissary in equipment that keeps hot food hot (135°F or greater) and cold food cold (41°F or less).

Locate all cooking equipment outside the tent and away from customers. Be sure to have a cover for your fryer in the event of inclement weather.

### **4. Other Equipment Needs**

You are required to keep the following equipment at your booth (for a checklist of required equipment, see page 10):

- A calibrated probe-type food thermometer that measures all temperatures from 0°F to 220°F. A dial stem thermometer and digital thermometer are both acceptable:



- A supply of back-up utensils and disposable gloves to minimize hand-contact with food.
- A cover or canopy for overhead protection.
- If you are grilling or frying, an absorbent floor covering is required which is to be thrown away after the event (scrap carpeting is recommended). The use of cardboard as a floor covering is prohibited.
- If grilling or frying, a bag of kitty litter is required to use to soak up any grease spills.
- Labeled buckets or containers to transport gray water to wastewater containers.
- An accurate and conspicuous thermometer in each refrigeration unit.

## 5. Food Protection

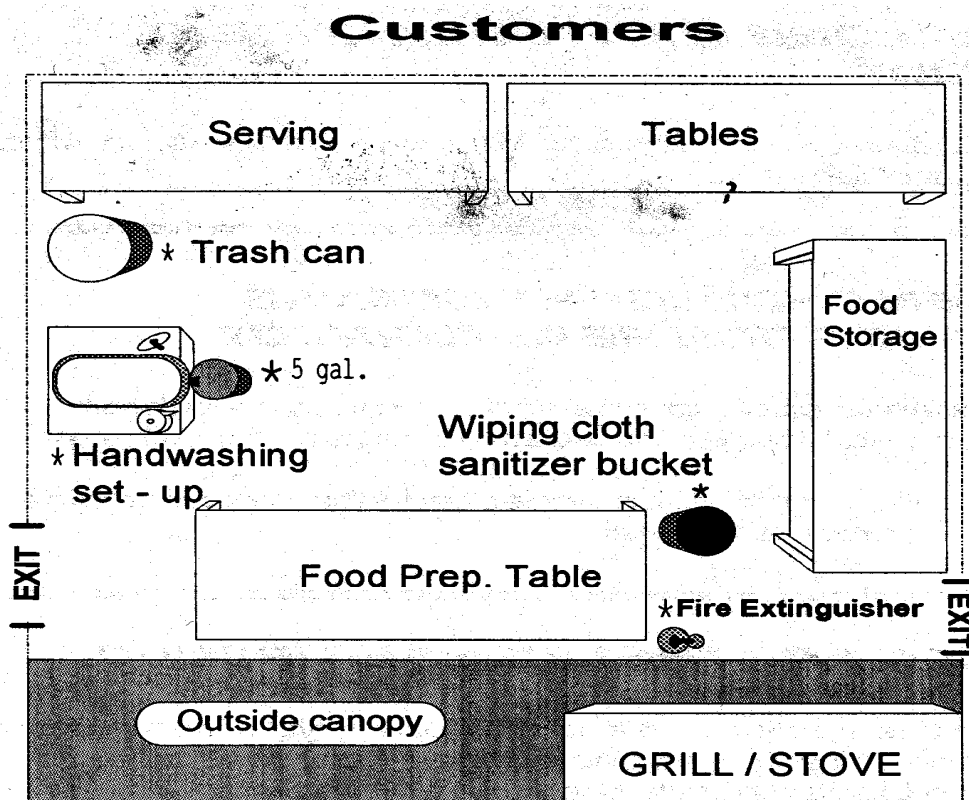
In an outdoor environment, you must protect food from many potential contaminants, including insects, wind-blown debris, pooled water, and potential tampering by passers-by.

Be sure to keep all food, paper goods, and utensils covered and protected. Pallets or crates should be used to elevate all food, paper goods, and utensils at least six inches off the ground.

All condiments should be served in sealed packets or squeeze bottles. Self-service condiments and additives are not permitted unless they are in enclosed containers such as squeeze bottles.

## Booth Set-up

It is important to plan your booth set up, in advance. It is helpful to make a diagram that indicates the location of all equipment in the booth.



This Area Should Be Away From The General Public

Most importantly, be sure that the hand washing station and sanitizer are in a central, easily accessible location. If your booth is crowded, it may be necessary to set up additional hand washing stations and buckets of sanitizer. All food preparation and service areas must be located beneath the canopy. Food preparation areas must be located away from customers. If you have a grill or stove, it must be located outside the canopy. Your fire extinguisher must be easily accessible.

### Approved Food Source

All the food served to customers must come from an approved food source. Approved food sources include certified/inspected suppliers, wholesale clubs, and grocery stores. If you have questions about your food supplier, contact the Department.

Food may **not** be stored or prepared in the home, garage, etc. Food and equipment must be stored at an approved and licensed commissary kitchen.

### Safe Temperatures for Food

Keeping food at the correct temperature helps prevent bacterial growth. Bacteria grow best between 41°F and 135°F. Keep food hotter than 135°F or colder than 41°F to prevent bacteria from growing.

Hold all food at the proper temperatures:

- Hold properly cooked or properly reheated food at 135°F or hotter.
- Hold all cold food at 41°F or colder.

Cook food to the proper temperature:

- Whole cuts of beef and steaks up to 135°F or hotter.
- Fish, seafood, pork, and eggs to 145°F or hotter.
- Ground beef to 155°F or hotter.
- Poultry and stuffed food to 165°F or hotter.

### Using a Food Thermometer

Your probe thermometer will help you assess whether food is being kept at a safe temperature. Wash and sanitize the thermometer before and after each use. Stick the probe thermometer into the thickest part of the food. Allow time (1-2 minutes) for the thermometer to read an accurate temperature. Read the thermometer.

Your thermometer must be calibrated prior to the event. If the thermometer is dropped, it must be calibrated, again.

To calibrate the thermometer, get a glass full of ice and fill it halfway with water. Stir the ice water with the thermometer. Leave the thermometer in the ice water until the dial stops moving (about 2 minutes). The dial should read 32°F. If it does not read at 32°F, use a pair of pliers to turn the nut on the back of the dial until it reads 32°F. Place the thermometer back in the ice water and confirm that it is reading 32°F.

### Proper Method for Hand Washing

It is important to pay special attention to hand washing practices in an outdoor or temporary setting. Washing your hands properly breaks down the oils and loosens the bacteria so they may be washed away. Educate all your employees on proper hand washing methods, and be sure to monitor and correct your employees as necessary. Food handlers must wash their hands after using the bathroom, eating, smoking, handling raw meat, sneezing, coughing, handling trash or other waste, touching face, hair, etc, or after anything else that contaminates hands. Hands must also be washed before starting work, after breaks, and before handling food.

Because you do not have hot and cold water available in the outdoor setting, it is especially important to wash hands thoroughly and frequently. Use soap and warm, running water (when available). Rub hands vigorously. Wash all surfaces, including under fingernails, back of hands and wrists, and between fingers. Use a brush to scrub under and around your nails. Rinse hands well. Dry hands with disposable paper towels.

### Use of Disposable Single-use Gloves

Glove use is required for contact with ready-to-eat food. **Bare hand contact with ready-to-eat food is prohibited.** Glove use is never a substitute for proper hand washing. Hands must be washed thoroughly before and after wearing gloves, including between glove changes. Bacteria grow on your hands while wearing gloves. Wash your hands after the gloves are removed. Whenever gloves become contaminated, remove the gloves and wash your hands before using a new pair of gloves. Never blow into the glove when putting it on. This contaminates your hands and the glove.

If a food handler has cuts, abrasions, burns, or open sores, the wound must be covered with a bandage or dressing, and then covered with a disposable glove or finger cot. Notify employees that they should inform the manager of any wounds.

### Sick/Ill Employees

Ill employees should not be allowed to handle food. If employees have vomiting, diarrhea, or other gastrointestinal symptoms, they should stay home. Be sure that all employees are informed of your illness policy.

### Eating, Drinking, Tobacco

Eating, smoking and use of chewing tobacco are prohibited in the booth. A drink is permitted if it is covered with a lid, a straw is used, and the beverage is stored below or away from all food and equipment.

Food Safety training materials are available at <http://www.denvergov.org/phi> or by request by contacting the department at 311 (in Denver) or 720-913-1311 (outside of Denver).