

Temporary Retail Food Establishment Guide

The City of Denver's Department of Public Health and Environment works closely with food vendors and conducts inspections at events to ensure that public health concerns are addressed. The requirements for operating as a temporary retail food establishment are listed in Chapter 10 of the [City and County of Denver Food Establishment Rules and Regulations](#).

Below is a compliance guidance for participating vendors. A failure to comply with these rules and regulations may result in enforcement action.

Definitions:

Cart- means a mobile retail food establishment that is a non-motorized unit designed so food is served from the exterior of the unit.

Commissary- means a facility that is approved by the Executive Director as a base of operation for a temporary retail food establishment, cart or mobile food establishment, where food, containers, or supplies are kept, handled, prepared, packaged or stored. All food preparation and dish washing shall take place at the commissary. *Find additional information at:* www.denvergov.org/healthinspections

Event Coordinator: means the person in charge of the event and ensuring all participants have required documentation including, but not limited to, licenses. *Coordinators may be cited for lack of compliance.*

Extensive Food Preparation- includes, but is not limited to, slicing, dicing, chopping, peeling, shredding, washing of produce, processing, pre-portioning and/or mixing. All extensive preparation shall take place at the commissary.

Enforcement Action- means the consequences that will be implemented for lack of compliance to the rules and regulations. This includes, but is not limited to, closures, fines and court summons.

Hand Washing Station- means a station that is provided to adequately wash hands when active handling of food is taking place. A hand washing station shall include 5 gallons of water available out of a free-flowing dispensing valve measuring between 100-120F, a catch bucket, soap and paper towels.

Imminent Health Hazard (IHH) - means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses, and the nature, severity, and duration of the anticipated injury or illness.

In-place sanitizer-means an approved sanitizing solution (ex: chlorine or quaternary ammonium) that is mixed and readily available at the proper concentration for use in conjunction with a clean wiping cloth or paper towel during all open handling of potentially hazardous food. This *is not* hand sanitizer. Chlorine sanitizer shall measure between 50-200ppm. Quaternary ammonium sanitizer shall measure between 200-400ppm.

Mobile Retail Food Establishment-means a retail food establishment that is a wheeled vehicle, trailer, or cart that is readily moveable and designed for the service of food from the interior of the unit.

NOTE: New mobile retail food establishments must go through the plan review process. To learn more about the plan review process, please visit www.denvergov.org/healthinspections

Potentially Hazardous Food (PHF)- means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. PHF includes, but is not limited to, hamburgers, hot dogs, chicken, refried beans, cooked rice, cut melons, sliced tomatoes, salsa and ice.

Temporary Retail Food Establishment- means a food establishment, other than a mobile retail food establishment, that is limited to operating at temporary events that do not operate for more than 14 consecutive days.

Temporary Event- means a single community event or celebration or recurring farmers market that operates for a period of not more than fourteen (14) consecutive days and not more than fifty-two (52) days per year. Temporary events may include town celebrations, fairs and festivals.

Thermometer- means a probe temperature measuring device capable of reading both hot and cold temperatures and shall have a numerical scale in increments not greater than 2°F that includes the range of (0°-220°F), and shall be accurate to ±2°F.

License Requirements

Temporary Retail Food Establishment License is required based upon the menu and any potentially hazardous food sold.

*A temporary retail food license is **not** required for:*

- Operators preparing and serving *only* hot coffee (with no liquid dairy creamer), 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.
- Operators handling only non-potentially hazardous pre-packaged food.
- Sellers offering only uncut fresh fruit and vegetables.
- Operations supplying only pre-packaged non-potentially hazardous food, drinks in bottles, chewing gum, or salted nuts in the natural protective coating.
- Sampling only

[Contact the Department](#) if you have questions about the product you plan to sell.

Obtaining a Temporary Retail Food Establishment License

1. Complete a Denver Affidavit of Commissary.
 - a. If operating from a commissary outside of the City and County of Denver, it shall be located within 30 minutes or 30 miles of your intended area of operation.
2. Complete the current Temporary Food Establishment Acknowledgement Letter.
3. Submit the completed Affidavit of Commissary and Acknowledgement Letter to the Denver Department of Public Health and Environment, Public Health Investigations via email at phicomments@denvergov.org or mail to 101 W Colfax Suite 800 Denver, CO 80202.

A DDPHE team member will review and approve the submitted documents. Documents will be returned to requestee and copy kept on file.

4. Submit the signed and approved Affidavit of Commissary form to the Denver Department of Excise & Licenses via:

Online: www.denvergov.org/businesslicensing

In Person: Building at 201 W. Colfax Avenue

Your temporary license is valid for *one year from issue date*. Each event that the business participates in shall be added to the license. It is the responsibility of the vendor to provide a valid copy of their license to the event coordinator.

Commissary Kitchen and Affidavit of Commissary

A commissary kitchen is a licensed, inspected commercial kitchen 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 unapproved location.**

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 stating you are permitted to use the kitchen for food and equipment storage, food preparation, and post-event clean-up. Permission should be provided in the form of an Affidavit of Commissary. An Affidavit of Commissary is an agreement between you and the commercial kitchen operator that indicates that you have permission to use the kitchen and facility for storing and preparing the food on your menu.

Although the commissary kitchen does not need to be in the City and County of Denver, it should be within 30 minutes or 30 miles of your intended area of operation to conduct ware-washing, store food, and store equipment at the end of each day of an event. The length of the event, the menu served and the equipment available at the proposed commissary will be used to determine if the location is adequate to serve as your commissary. The regulations require that temporary retail food establishments report, at a minimum, every 24 hours on operational days to the commissary location for all supplies, cleaning, advanced food preparation, and servicing operations.

Food Preparation

As indicated in The Retail Food Establishment Regulations, “all slicing, dicing, chopping, peeling, shredding, washing of produce, processing, pre-portioning, mixing, or other **extensive preparation** of food on-site is prohibited” due to the increased risk present in outdoor and special event settings. 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.

Note: The use of gyro and pastor rotisseries *is not* permitted at special events. Failure to comply with this requirement may result in enforcement action including, but not limited to, cease and desist orders, disposal of food, closure and/or fines.

Required Equipment and Supplies

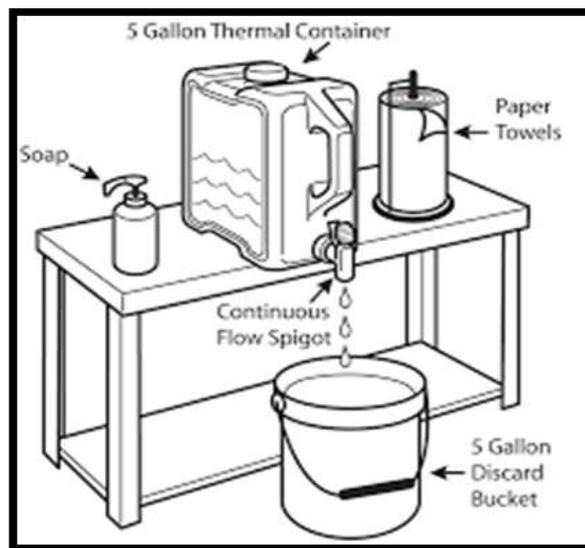
Equipment required to operate a temporary retail food establishment varies based upon the menu served. Basic requirements include:

1. Hand-washing Station

Perhaps the most important piece of equipment you need in your food booth is a properly equipped hand-washing station with **hot water measuring between 100-120°F**. The following items make for a proper hand washing station:

- A commercial, portable hand sink or at minimum, a 5-gallon container that has a free-flowing dispensing valve, as depicted in the picture below. The dispensing valve should have an 'on' and 'off' position so that both your hands are free for proper hand washing.
- Soap
- Single-use towels
- A catch bucket beneath to collect dirty water.

Note: 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.



It is highly recommended to have extra potable/clean water that can be heated throughout the event, as 3 gallons of clean water per hour of operation is recommended to be available for hand washing during the event.

Food handlers must wash their hands after using the bathroom, eating, smoking, handling money, handling raw meat, sneezing, coughing, handling trash or other waste, touching face, hair or other body parts as well as anything else that contaminates hands. Hands must be washed before starting work, after breaks, and before handling food.

If the event organizer provides hand-washing stations near your booth, you are still required to have your own hand-washing station set up. Hand washing sinks CANNOT be shared with neighboring booths; each booth is required to have their own sink. A failure to properly set up a hand-washing station will result in immediate closure of your booth and a fine may be assessed.

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 and quaternary ammonia.

Note: Hand sanitizer, degreasers, soaps, detergents, Lysol, Pine-sol, and antibacterial solutions or gels are **not sanitizers**.

<u>Chemical Sanitizer</u>	<u>Concentration</u>	<u>Chemical to water ration</u>
Chlorine	50 - 200 ppm	(1 teaspoon in each gallon of water;)
Quaternary Ammonia	150 - 400 ppm	(Use the manufacturer instructions on the container label for mixing sanitizer)

Sanitizer Essentials:

- 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 measuring approximately 70°F- 90°F.
- Use only ONE chemical in a solution.
 - **Do not** add soap or any other chemicals.
- Change sanitizer every 2-4 hours, or as needed to maintain the required concentration
 - The sun will dilute the concentration of chlorine-based sanitizers

3. Food temperatures and Cooking/Holding Equipment

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.

Equipment

- Food shall be monitored using either a calibrated dial or digital **thermometer** that measures temperatures between 0°F and 220°F.
 - To calibrate the thermometer, place stem into a glass of ice, with little water. It shall measure 32°F +/- 2°F.



- All cooking and holding equipment used at the event should be *commercial grade*.
- If using ice chests to maintain cold food, ensure there is enough ice around food to maintain product at 41°F. Extra ice should be onsite to assist in maintain food at 41°F and below.
- Food being transported and held onsite shall be covered to prevent contamination
- 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.

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

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 supply of back-up utensils and disposable gloves to minimize hand-contact with food.
 - In-use utensils shall be changed out every 4 hours.
 - Gloves shall be changed when they become contaminated, torn or operator changes tasks such as between handling raw meats and handling ready-to-eat foods.
 - Hands shall be washed after removing gloves and prior to donning new gloves
 - **Bare hand contact with ready-to-eat food is prohibited.**
- 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 cat litter is required 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, food must be protected from contaminants, including insects, wind-blown debris, pooled water, and potential tampering by passers-by.

All food, paper goods, and utensils need to be covered and protected. Utilize pallets or crates 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.

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, car, etc. Food and equipment must be stored at an approved and licensed commissary kitchen.

Sick/Ill Employees

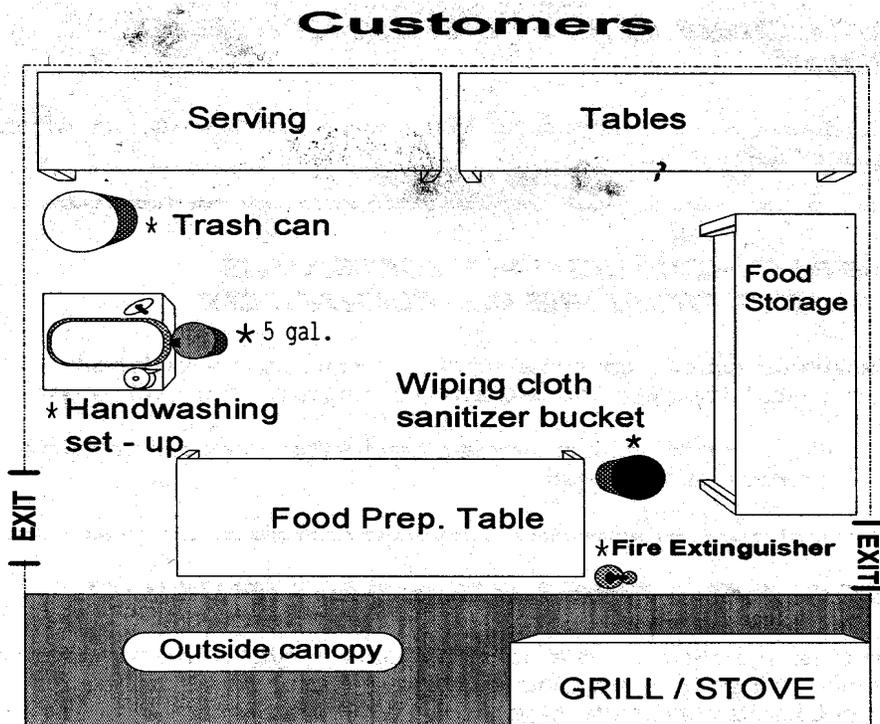
Ill employees should not be allowed to handle food. If employees have vomiting, diarrhea, or other gastrointestinal symptoms, they should stay home. All employees should be informed of your illness policy.

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.

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.