

# Temporary Food Events Permitting Guidance

## Food Establishments at Events & Farmers Markets



Food vendors at events like farmers markets, carnivals, fairs and fundraisers may be required to get a local Temporary Food Establishment permit from the Concord/Lincoln Board of Health and comply with certain requirements in 105 CMR 590.

### DEFINITIONS

**Bake sales:** Non-potentially hazardous foods such as cakes, cookies, pies, brownies etc. which do not need refrigeration may be made in a home kitchen for sale at a bake sale. When possible, food items should be pre-packaged before sale; vendors must wear gloves while handling unpackaged foods. Contact the Health Division for food safety guidance and to determine if a Temporary Food Permit is needed for your event.

**Caterer:** Any person who prepares food intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than one for which he or she holds a permit, for service at a single meal, party or similar gathering

**Mobile Food Establishment:** A Mobile Food Establishment (MFE) is a food service operation permitted under the Retail Food Code that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft that is able to change location.

#### Potluck Event:

- People must be gathered to share food at the event;
- No compensation may be provided for bringing food to the event;
- The event is sponsored by a group of individuals or by a religious, charitable or non-profit organization;
- The event may not be conducted for commercial purposes, but money may be collected to support the religious, charitable or non-profit organization; and
- The participants at the event must be informed that neither the food nor the facilities have been inspected by the state or the local public health agency.

**Private Event:** A private event is an exclusive group, which could include family, friends, neighbors, or committee members meeting over a shared meal. The event is not open to the general public or advertised to the public. No fees may be charged. The private function can be held in many types of venues—a private home, rental hall, church basement or public building or park. Food prepared in a home kitchen is allowed only at private events.

**Public Event:** A private event is an exclusive group, which could include family, friends, neighbors, or committee members meeting over a shared meal. The event is not open to the general public or advertised to the public. No fees may be charged. The private function can be held in many types of venues—a private home, rental hall, church basement or public building or park. Food prepared in a home kitchen is allowed only at private events.

**Temporary Food Establishment:** Defined in 105 CMR 590.000 [Minimum Sanitation Standards for Food Establishments](#) as "A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration."

### FREQUENTLY ASKED QUESTIONS

#### Do I need a Temporary Food Permit?

##### No Permit is Required if

- The only foods offered are whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products or farm fresh eggs which are stored and maintained at 45 degrees F or less.
- The only foods offered are prepackaged foods that are not defined as (TCS) time/temperature controlled for safety foods.
- Bake sales offering only nonperishable foods (no refrigeration required) for religious or charitable organizations.
- Private events for members only that are not advertised with fliers, banners, newspaper articles, etc.
- Potluck events: See definition of potluck even above

##### Permit Required

- Non-profit organizations offering food other than bake sale items. Non-profit organizations are exempt from the permit fee if they distribute the food for free or at cost. Proof of non-profit status is required at the time of application.
- Fundraisers.
- Events are advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, and are open to the general public.

# Temporary Food Events Permitting Guidance

## Frequently Asked Questions (FAQ) Continued

### FREQUENTLY ASKED QUESTIONS

#### Applying for a Temporary Food Permit

To apply for a Temporary Food Permit, please go to <https://www.lincolntown.org/1328/Forms> or visit the Health Division office at 16 Lincoln Road Lincoln, MA and pick up a hard copy.

Applications must be submitted at least 2 weeks prior to the event to allow sufficient time for review by staff

#### Can raw milk or raw milk products be sold?

- Raw (unpasteurized) milk is not allowed for sale by Temporary food establishments. Raw milk is only allowed for sale in Massachusetts at farms which are certified and inspected by the MA Department of Agricultural Resources.
- Aged cheeses made with raw milk may be sold, provided 1) that they are made in a licensed food manufacturing facility and 2) that vendors maintain strict temperature control of 41°F or below.

#### What are the restroom and handwashing requirements?

- If permanent restrooms and handwashing facilities are not available, portable restrooms and handwashing facilities must be provided for use by the vendors. (5-203.11; 6-402.11).
- Handwashing sinks must be easily accessible (within 25 feet) to vendors handling exposed, processed foods. If handwashing sinks are not easily accessible, and only prepackaged foods are offered, the use of chemically treated towelettes for handwashing is allowed.

#### Does food need to be stored in refrigerators at the event?

- Mechanical refrigeration is not required if food temperatures can be maintained and verified (with the exception of shellfish transportation). Foods requiring time/temperature control for safety (TCS) must be held at proper temperatures during transportation and display for sale. This can be achieved by refrigeration or by storing the food on self-draining ice in an insulated container.

#### What if there is no water supply at the event?

If no permanent water supply is available, the vendor may access water through:

- A supply of containers of commercially bottled drinking water
- Closed portable water containers
- An enclosed vehicular water tank
- An on-premises water storage tank
- Piping, tubing, or hoses connected to an adjacent approved source. (5-104.12)

#### How should food be protected?

- Processed Foods require protection while on display. Vendors may individually package items such as baked goods or, if displayed in bulk, should cover the items while on display until given to the consumer. (3-306.11; 3-301.11). Items offered in bulk should be served with a utensil, single-use glove, or single-use paper sheet.

#### What if a caterer prepares & delivers food but we serve it at the event?

- A Temporary Food Event Permit is required for an event where a caterer prepares and delivers the food, but the sponsoring organization serves the food. The sponsoring organization is responsible for hot and cold holding of any food (i.e., sandwiches, quiches, soups, etc.) to ensure proper temperatures for safe food handling and service. The sponsoring organization must contact the Health Department for food safety guidance and to obtain a Temporary Food Permit for events that fall into this category.

105 CMR 590.000 Minimum Sanitation Standards for Food Establishments and the 2013 Food Code can be viewed at [www.mass.gov/dph/fpp](http://www.mass.gov/dph/fpp) or obtained from the State Book Store at [www.state.ma.us/sec](http://www.state.ma.us/sec).

# When is a Temporary Food Permit Required?

Follow the flow chart below to see if you need to apply for a Temporary Food Permit

## Are you having a PRIVATE Event?

**Private Event:** An event open ONLY to an inclusive group of people - I.E family, neighbors, friends. No fees are being charged for food, event is not advertised or open to the general public.

Yes

**No Permit Required from the Health Department**

No

## Are you having a POTLUCK Event?

### Potluck Event Definition

- People must be gathered to share food at the event
- There is no compensation provided to people for bringing food to the event
- The event is not being conducted for commercial purposes, but money may be collected to support the religious, charitable or nonprofit organization

Yes

**No Permit Required from BOH**

**REQUIRED:** Participants at the event shall be informed that neither the food nor the facilities have been inspected by the state or a local public health department

No

## Are you having a CATERED event?

**Catered Event:** An event where a caterer prepares and serves food

Yes

**No Permit Required from BOH**

**REQUIRED:** Fill out and submit this [application](#) at least seven days prior to each event. Mail to the Concord BOH, 141 Keyes Rd, Concord MA 01742 or email to [healthdepartment@concordma.gov](mailto:healthdepartment@concordma.gov)

No

## Are you a Mobile / Temporary / Public Event Vendor?

**Mobile Food Establishment:** A Mobile Food Establishment (MFE) is a food service operation permitted under the Retail Food Code that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft that is able to change location.

Yes

Farmers Market Vendor

Mobile Food Truck

Fair/Carnival/Fundraiser



## Do you only sell / provide the following food product(s)?

- Transporting only whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F or less
- Transporting food as a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers or jobbers; and
- Selling commercially processed pre-packaged non-TCS foods such as candy bars, potato chips, bottled water, and/or bottled or canned soda products.

Yes

**No Permit Required from BOH**

**REQUIRED:** Participants at the event shall be informed that neither the food nor the facilities have been inspected by the state or a local public health department

No

## Do you only sell / provide the following food product(s)?

- Food items such as hot dogs, grilled sandwiches, salads, kettle corn or popcorn, shaved ice, or roasted nuts;
- Commercially processed pre-packaged (TCS) foods such as packaged ice cream products
- (TCS) beverages such as milk or, juice, smoothies
- Beverages that contain TCS ingredients such as coffee with milk/cream or smoothies
- or Conduct complex food preparation

Yes

**PERMIT IS REQUIRED**

**To Obtain Temporary Food Permit:** Submit application to BOH at least 2 weeks prior to event. To apply for a Temporary Food Permit, please go to <https://www.lincolntown.org/1328/Forms>

# Are You Ready?

## Use This Guide as a Checklist to Verify Compliance with Food Safety Regulations



### FOOD & UTENSIL STORAGE AND HANDLING

- Dry Storage** Keep all food, equipment, utensils and single service items stored above the floor on pallets or shelving, and protected from contamination.
- Cold Storage** Keep potentially hazardous foods at or below 41 /45°F. An effectively insulated container with sufficient coolant may be approved by the board of health for storage of less hazardous foods, or use at events of short duration.
- Hot Storage** Use hot food storage units when necessary to keep potentially hazardous foods at or above 140 F.
- Thermometers** Use a food thermometer to check temperatures of both hot and cold potentially hazardous food.
- Wet Storage** Wet storage of canned or bottled non-potentially hazardous beverages is acceptable when the water contains at least 10 ppm of available chlorine and the water is changed frequently to keep the water clean.
- Food Display** Protect food from customer handling, coughing, or sneezing by wrapping, sneeze guards or other effective barriers.
- Food Preparation** Food employees must use utensils, disposable papers, disposable gloves or any other means approved by the board of health to prevent bare hand contact with ready-to-eat food.  
Protect all storage, preparation, cooking and serving areas from contamination.  
Obtain food from an approved source. Potentially hazardous foods and perishable items may not be prepared in residential kitchens.

### PERSONNEL

- Person In Charge** There must be one designated person in charge at all times responsible for compliance with the regulations. Check with your local board of health for food protection management certification requirements.
- Handwashing** A minimum two-gallon insulated container with a spigot, basin, soap and disposable towels shall be provided for handwashing. The container shall be filled with warm water 100 to 120 F. A handwashing sign must be posted.
- Health** The person-in-charge must tell food employees that if they are experiencing vomiting and/or diarrhea, or have been diagnosed with a disease transmissible through food, they cannot work with food or clean equipment and utensils. Infected cuts and lesions on fingers or hands must be covered and protected with waterproof materials.
- Hygiene** Food employees must have clean outer garments and effective hair restraints. Tobacco usage and eating are not permitted by food employees in the food preparation and service areas.

### WATER

- Water Supply** An adequate supply of potable water shall be on site and obtained from an approved source. Water storage at the booth shall be in approved storage containers.
- Wastewater Disposal** Dispose of wastewater in an approved wastewater disposal system. An adequate number of covered containers, labeled "Wastewater" shall be provided in the booth.

# Are You Ready? Continued.

## Use This Guide as a Checklist to Verify Compliance with Food Safety Regulations



### CLEANING & SANITIZING

**Warewashing**

A minimum of three basins, large enough for complete immersion of utensils and a means to heat water are required to wash, rinse and sanitize food preparation equipment that will be used on a production basis.

**Sanitizing**

Use chlorine bleach or other approved sanitizers for sanitizing food contact surfaces, equipment and wiping cloths.

**Wiping Cloths**

Store wet wiping cloths in a clean 100ppm chlorine solution. Change frequently.

### PREMISES

**Floors**

Unless otherwise approved, floors shall be constructed of tight wood, asphalt, or other cleanable material. Floors must be easily cleanable.

**Walls & Ceilings**

Walls and ceilings are to be of tight and sound construction to protect from entrance of elements, dust, debris and, where necessary, flying insects. Walls shall be easily cleanable.

**Lighting**

Provide adequate lighting by natural or artificial means if necessary. Bulbs shall be shatterproof or shielded.

**Counters & Shelving**

All food preparation surfaces shall be smooth, easily cleanable, durable and free of seams and difficult to clean areas. All other surfaces shall be easily cleanable.

**Trash**

Provide an adequate number of cleanable containers inside and outside the booth.

**Walls & Ceilings**

Walls and ceilings are to be of tight and sound construction to protect from entrance of elements, dust, debris and, where necessary, flying insects. Walls shall be easily cleanable.

**Restrooms**

Provide an adequate number of approved toilet and handwashing facilities. These facilities shall be accessible for employee use.

**Clothing**

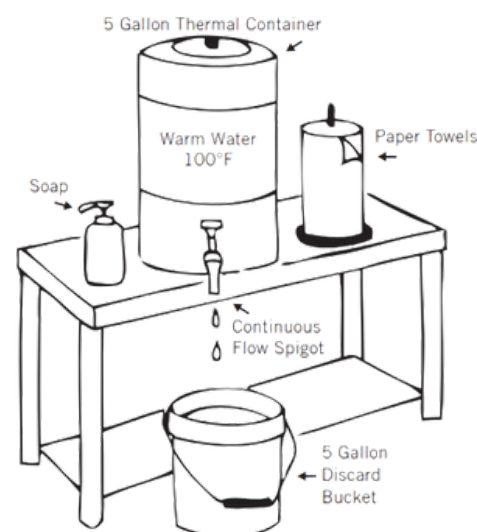
Store personal clothing and belongings in a designated place in the booth, away from food preparation, food service and warewashing areas.

### HOW TO SETUP A TEMPORARY HANDWASHING STATION

A hand wash station at every booth where people prepare or sample food is required. If there is not access to a hard-plumbed sink with hot and cold water, you may set-up a temporary hand wash station.

A temporary hand washing station shall consist of the following:

- At least a 5-Gallon insulated container
- A hands-free spigot that provides a continuous flow of WARM portable water (minimum of 100° F)
- Liquid soap in a pump dispenser
- Single-use paper towels,
- A 5-Gallon Bucket to collect the waste water



**Sanitizers DO NOT replace hand washing**



**BEFORE PLACING YOUR  
ORDER, PLEASE INFORM YOUR  
SERVER IF A PERSON IN YOUR  
PARTY HAS A FOOD ALLERGY.**



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