

HEALTH AND ENVIRONMENT REGULATIONS
Chapter 6: Lincoln County Food Catering Regulation
Revised 12 July 2017

6.1.101 INTENT: The purpose of this regulation is to protect human health and reduce the possibility of food borne illness due to food contamination as a result of improper preparation, handling, cleaning, sanitizing and/or temperature control at catered events.

6.1.102: TITLE AND SCOPE: This regulation shall be known as the "LINCOLN COUNTY FOOD CATERING REGULATION", and shall govern the catering of food within Lincoln County.

6.1.103 DEFINITIONS: As used in this chapter, unless indicated otherwise, the following definitions apply:

- (1) "Board" means the City-County Health Board of Lincoln County, Montana
- (2) "Caterer" means a person engaged in the business of providing food to a social affair at a location other than that of their licensed establishment. This term can be applied to both licensed establishments at a fixed location and mobile units.
- (3) "Certified Food Protection Manager" (CFPM) means an individual who has successfully certified through an accredited program required under section 2-102.12 (A) of the 2013 FDA Food Code.
- (4) "Foodborne illness risk factors" means improper practices or procedures identified as the most prevalent contributing factors to foodborne illness.
- (5) "Licensed kitchen" means a kitchen that meets the requirements of USDA 2013 Food Code, Montana ARM 37.110.2, local building codes and fire codes,
- (6) "Department" means the Lincoln County Department of Environmental Health, Lincoln County, Montana
- (7) "Employee" means any person working in a food service establishment who engages in food preparation or service, including the transportation of food or food containers.
- (8) "Establishment" means a food service establishment that routinely serves the public with or without charge.
- (9) "Farm-fresh Eggs" means farm eggs that do not come from a state licensed wholesale processor. Farm-fresh eggs use is not permitted in food catering operations.
- (10) "Person" means a person, partnership, corporation, association, cooperative group, or other entity engaged in operating, owning, or offering services of an establishment.
- (11) "Retail Food Establishment" means an operation, whether mobile or at a temporary or stationary facility or location, that stores, processes, packages, serves, or vends food directly to the consumer.
- (12) "Time/temperature control " or (TCS) means food that requires time or temperature control to limit pathogenic microorganism growth or toxin formation.

6.1.104 FEDERAL, STATE, COUNTY AND MUNICIPAL REGULATIONS:

- (1) The kitchen used for catering shall be licensed with the State of Montana as a Retail Food Establishment with a catering endorsement per MCA 50.50.201.
- (2) A catering business that does not own a licensed kitchen may rent or otherwise use a kitchen with a Retail Food Establishment license, but the catering business must also be licensed as a Retail Food Establishment with a catering endorsement per MCA 50.50.201.
- (3) The Retail Food Establishment and/or catering business shall be registered with the Montana Secretary of State's office and in good standing.
- (4) A food caterer shall comply with this regulation and the regulations in Montana's Rule for Retail Food Establishments, ARM 37.110.2 and the 2013 FDA Federal Food Code, including having a Certified Food Protection Manager on staff at the establishment if the establishment

is owned by the caterer or employed by the catering business if the business rents or otherwise uses a facility in which the caterer is not the licensee of the establishment.

- (5) A food catering business shall retain a municipal business license if conducting catering within a municipality, City of Libby Ord. 5.04.010, City of Troy Ord. 3.1.1 and 3.1.3, Town of Eureka Ord. 191.3 . A business license is not needed if the events and the physical location of the business are outside the city limits.

6.1.105 LIABILITY INSURANCE: Caterers must carry liability event insurance and have a copy of the valid policy at the event, unless liability insurance is provided by the event organizer and it covers food service. A copy of this insurance must be provided to the caterer and be available for inspection.

6.1.106 FACILITIES:

- (1) The licensed food establishment used as a catering kitchen must be inspected at least once per year. Any foodborne illness risk factors out of compliance at the time of inspection must be corrected immediately.
- (2) The licensed food establishment used for catering must be current on any required water tests and the results of the tests must be within acceptable limits.
- (3) If the licensed food establishment is not owned by the caterer, then the caterer must have a signed and notarized service agreement with the owner of the food establishment providing the licensed kitchen.
- (4) All food must be prepared in the licensed kitchen.
- (5) The Department may inspect all or any part of a catered event before, during or after the time the event is held.

6.1.107 FOOD SOURCES:

- (1) All foods used must be from approved sources.
- (2) The following foods cannot be used; wild game unless from USDA approved source, any home canned or home processed foods, farm-fresh eggs or unpasteurized dairy foods, or wild mushrooms.

6.1.108 FOOD PREPARATION AND STORAGE:

- (1) The caterer must prepare, cook and store food in compliance with 2013 FDA Federal Food Code and Montana's Rule for Retail Food Establishments, ARM 37.110.2 observing proper cooking temperatures, hot and cold holding temperatures; and thawing and reheating procedures.
- (2) Cooked foods shall be kept separate from raw foods.
- (3) No foods, food containers, service ware or service ware containers shall be in direct contact with the floor during preparation and storage to prevent cross-contamination to food preparation surfaces and food. Except if large, heavy coolers are used for food storage, they shall remain on the floor and not placed on work area counters.

6.1.108 FOOD TRANSPORT:

- (1) Transported time/temperature control for safety (TCS) food must be held at proper holding temperatures as stated in the 2013 USDA Food Code (135° F for hot foods, 41° F for cold foods), requiring sufficient capacity for holding hot and cold foods, and verified by use of food thermometers accurate to +/- 2° F by checking internal temperatures of the food.
- (2) A record shall be maintained in which the internal temperatures of TCS foods are recorded just prior to being transported and again upon arrival. In addition, the temperatures of these food items shall be recorded every 15 minutes after the food has arrived to the event, and

during the time that it is being served. The record shall display the name of the food, the internal temperature and the time that the temperature was taken. This record will be available for inspection by the Department.

- (3) No foods, food containers or service ware or service ware containers shall be in direct contact with the floor during transportation to prevent cross-contamination to food and food preparation surfaces.
- (4) During transportation, and at all other times, food items, serving utensils, serving ware, dinner ware, beverage containers and eating utensils shall be covered to protect them from contamination.

6.1.109 FOOD DISPLAY AND SERVING:

- (1) Sufficient hot and cold food storage facilities shall be provided to assure the maintenance of TCS foods at the proper holding temperatures during display and serving.
- (2) All tables, counters, bars, and other surfaces used for food display and serving shall be covered with a clean and cleanable surface.
- (3) All food items shall be protected with a "sneeze guard" if food dispensing is self-service.
- (4) Each individual food container shall be supplied with its own serving utensil of adequate size and strength to serve the food.
- (5) People returning to a self-service line shall not re-use soiled tableware, except that beverage cups or glasses may be re-used.
- (6) Ice and potable water shall come from an approved source, and shall be stored and served in a manner that assures its protection from contamination.
- (7) Ice used for food or beverage storage shall not be used for consumption.

6.1.110 CLEANING AND DISPOSAL:

- (1) All serving and kitchen utensils shall be cleaned and sanitized just prior to being used.
- (2) All food contact surfaces and serving tables shall be cleaned and sanitized before use.
- (3) Leftover TCS foods shall be discarded after the event. Food that is retained for future use shall be returned to the establishment with the same care that it arrived to the event.
- (4) Refuse containers for adequate capacity to accommodate all garbage generated at the event must be provided in convenient locations to prevent litter.

6.1.111 PERSONAL HYGIENE:

- (1) A designated handwashing station must be conveniently located and accessible for all catering personnel. The station must have a sink with running hot and cold water, soap, paper toweling and a waste receptacle. Hot water temperature must be a minimum of 100° F.
- (2) Employees are required to wash their hands before starting work, after using the toilet, smoking, eating; after handling raw foods, soiled utensils, garbage, money, cleaning cloths, cell phones, or any other article that may transmit contamination to food.
- (3) Employees with colds, sore throat, fever, infections, open sores, diarrhea or nausea will not work at the preparation site or the serving site.
- (4) Food preparation staff clothing shall be covered with a clean apron and hair shall be restrained close against the head. Wait staff must wear clean clothing and hair shall be restrained.
- (5) Smoking or chewing of tobacco or use of vapor products is not permitted in the food preparation or serving areas. Eating may occur in a designated eating area away from the food preparation and serving areas. Covered drink containers with a straw are permitted in the food preparation area.

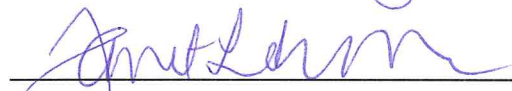
6.1.112 CONFLICT OF ORDINANCES:

- (1) In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of any City of, Town of, or of the County of Lincoln, the provision which, in the judgment of the Health Officer, established the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (2) If any portion of these regulations should be declared invalid for any reason whatsoever, such decision shall not affect the validity of the remaining portion(s) of the ordinance and such portions shall remain in full force and effect.

6.1.113 PENALTIES:

Any person in violation of any provision of these regulations or any provision of any directive, action, permit, or approval adopted pursuant to the authority granted by these regulations is guilty of a misdemeanor and shall be, upon conviction, subject to a fine of not less than \$25 or more than \$500 for each day of violation. Each provision, condition or limitation violated shall be considered a separate offense.

Adopted this 12th day of July, 2017


City-County Board of Health of Lincoln County


Title