

Temporary Events and Food Vendors

Temporary events with food service require preparation and planning in order to have a safe event. We are happy to work with event organizers to provide guidance and expertise on food safety. Lewis & Clark Public Health requirements for prepared food sales at temporary events are listed below.

Application

A temporary event plan review application is required for all food vendors not registered as a Cottage Food Producer or a Farmer's Market Exemption Certificate, except as discussed below. The purpose of this application and review process is to ensure compliance with state law and to provide education on safe food handling.

Some vendors may fall under the Montana Local Food Choice Act. Further information on this Act and the exemptions may be found in the Montana Code Annotated 50-49-2 and on the DPHHS Environmental Health and Food Safety website:

<https://dphhs.mt.gov/publichealth/ehfs/cottagefoodfarmersmarkets>.

No onsite preparation and no items containing meat or meat byproducts are allowed under this Act. Vendors must meet **all** requirements of this Act to be exempted from review. Foods produced under this act cannot be sold at retail stores.

Depending on the menu, some questions on the application may not apply to individual vendors. Answer N/A or Not Applicable on those questions. Do not leave questions blank.

Structure

Booth Construction: FDA 2013 Food Code 6-101.11 (B)

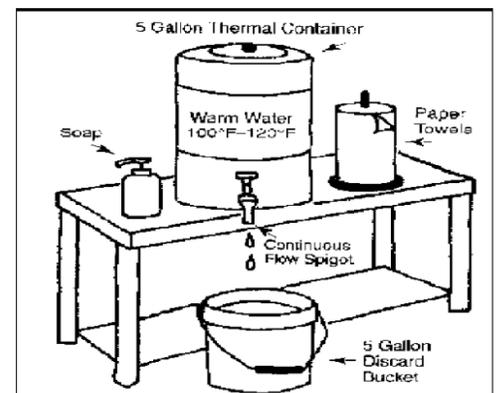
- **Floors** – must be designed to effectively control dust and mud. Concrete, asphalt, dirt or gravel covered with mats, removable platforms, duckboards or other approved surfaces may be acceptable.
- **Overhead protection** – a canopy or other protection must be provided for any operation that includes open foods.
- **Walls** – may be required depending on the type of operation, the weather, and sources of contamination.
- **Handwashing** – Any open food preparation and service will require a handwash station supplied with warm water, soap and paper towels, and something to collect wastewater. Please see the drawing below.

Equipment

Provide adequate cold holding equipment to always keep food at 41° F or colder.

Hot holding equipment must be provided to always maintain all hot foods at 135° F or hotter unless the operation involves cooking and serving the food to the public immediately.

Provide barriers between cooking equipment and the public to prevent burns and other safety issues. All devices must be managed for prevention of fire risks. Contact the fire marshal for guidelines.



Menu

Provide a limited menu with manageable risk (i.e. prepackaged, precooked, or purchased prepared). Purchase **pre-cooked meats/pasteurized eggs** for temporary events unless the following requirements can be met:

- The person in charge and present at the event must be a Certified Food Protection Manager. **This is not the Food Handlers certificate; it requires more extensive training.**
- Specific precautions are taken to prevent cross contamination throughout the event.

Food Handling

Foods that must be kept hot or cold for safety must be prepared either at the event or in a commercial kitchen and transported to the event while maintaining temperatures either below 41° F for cold foods or above 135° F for hot foods.

Food cannot be stored at home for events that span more than one day. Food must be stored overnight in an approved commercial kitchen or purchased from a licensed grocery store on each day of the event.

Handling ready-to-eat foods with bare hands is not permitted. Use tongs, gloves, or other tools to provide a barrier to prevent contamination.

Package and label all baked goods prior to bringing them to the event.

Training

Temporary food establishments that are preparing and handling raw meats must have a certified food protection manager onsite for the duration of the event. **This is not the Food Handlers certificate; it requires more extensive training.** If you plan to serve foods that must be refrigerated or kept hot for safety, food handler training is required.

Temporary food establishments under ARM 37.110.262 will be exempt from having a certified food protection manager if:

- Serving non-TCS (time/temperature controlled for safety) foods;
- Serving nonalcoholic or alcoholic beverages with or without beverage ice;
- Serving commercially pre-cooked, pre-packaged ready-to-eat, TCS foods, such as hot dogs, sausages, FDA and United States Department of Agriculture (USDA) registered canned food products, frozen pizzas

Permits

Temporary Food Permits

Temporary food establishment is defined in MCA 50-50-102 (22). A single permit is required when the following conditions are met:

- Operates at a fixed location for no more than 21 days in conjunction with a single event or celebration; or
- Uses a fixed menu and operates within a single county at a recurring event or celebration for no more than 45 days.

Cost of the permit is up to \$150 for small operations with up to 2 food handlers or \$225 for medium operations with 3-9 or food handlers at one time.

A catering endorsement for a food establishment does not replace the need for a temporary permit at public events.

The permit is only valid in Lewis & Clark County. Any change in menu, set-up, or procedures will require a new plan review and permit.

Cottage Food Registration

A registered cottage food producer may sell their product in face-to-face transactions at temporary events without further permitting requirements provided that they display their registration certificate. See the Cottage Food Registration guidance and application.

Farmer's Market Exemptions

See the Farmer's Market guidance document.

Non-profit Vendor Requirements:

MCA 50-50-120 (2) allows a nonprofit organization to operate a food establishment with a permit from Lewis & Clark Public Health without paying a fee. These organizations can sell or serve foods that meet the definition of cottage food products without registering as a cottage food producer. Submit an application and follow the requirements for temporary food establishments.

Product Samples

A license is not required of a provider of free samples to the public as a marketing activity if the provider is a licensed wholesale food establishment, a cottage food operation, or a seller at a farmer's market. This does not include raw items that must be cooked before serving.

Mobile food units (carts, trailers)

Licensing a mobile unit eliminates the need to obtain a temporary permit at separate events. This will require a food cart or food trailer for preparation, storage and service. Tents cannot be licensed as mobile units.

Mobile food units require plan review and licensing. Contact us for further information.

Carts require a commissary kitchen for servicing. Only limited food preparation and service may be conducted from a cart. This would include handling precooked hot dogs, ice cream, and coffee. Each menu and design of the cart will be reviewed on a case-by-case basis for control of the risk for food borne illness and contamination of food products.

Mobile licenses for other than 100% prepackaged items will require hand washing facilities with hot and cold running water under pressure with soap and paper towels in dispensers. Temporary hand wash stations will not be permitted.

Submit this application to

Email your completed application to phlicest@lccountymt.gov or mail to:

Lewis & Clark Public Health
ATTN: Licensed Establishment Admin
1930 9th Ave
Helena, MT 59601

If you wish to discuss your plan with a sanitarian, contact us ahead of time to make an appointment. Leave a message at 406-457-8919 and we will return your call or email us at PHLicEst@lccountymt.gov.

Payment

Lewis & Clark Public Health will send you an invoice when we are ready to take payment for your application. You must submit an application before payment can be received.