

**DURHAM
COUNTY**



1881



***Shared-use Kitchens
Mobile Food Units & Caterers***



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Environmental Health Director

November 2022



Food Service Regulation in NC

General Statutes, Administrative Codes, and NC Food Code Manual

§ 130A-248. Regulation of food and lodging establishments.

15A NCAC 18A .2600 RULES GOVERNING THE PROTECTION AND
SANITATION OF FOOD ESTABLISHMENTS

North Carolina Food Code Manual

A Reference for 15A NCAC 18A .2600 Rules Governing the Food Protection and
Sanitation of Food Establishments Adoption of the US Food and Drug
Administration's 2017 Food Code Effective October 1, 2021



County 32 - Durham

General Inspections

4032011884

DUBOSE HOUSE AND BAR

4032610792

TATTOO ASYLUM - JACKSON
HERRITT

Permits for all establishments
begin with **40**

32 identifies Durham County

The next two digits identify the
establishment type

01 is a restaurant, **61** is a tattoo
artist, etc.

The next four digits are unique
to the specific permit

<u>Establishment Type</u>	<u>Number of Establishments</u>	<u>Inspections Required</u>
1 - Restaurant	739	2,417
2 - Food Stands	216	540
3 - Mobile Food	189	502
4 - Push Carts	21	42
5 - Private Schools Lunchroom	6	24
6 - Edu. Food Service	43	137
9 - Elderly Nutrition	1	4
11 - Public School Lunch	52	191
12 - Elderly Nutrition	1	2
14 - Limited Food	1	1
15 - Commissary (Pushcarts/Mobile Foods)	12	40
16 - Institutional Food Service	29	95
20 - Lodging	65	65
21 - Bed & Breakfast Home	1	1
22 - Summer Camps	3	3
23 - Bed & Breakfast Inn	1	2
30 - Meat Market	46	140
40 - Rest/Nursing Homes	27	54
41 - Hospitals	4	8
42 - Child Care	159	318
43 - Residential Care	114	114
44 - School Building	105	105
45 - Local Confinement	2	2
47 - Orphanage, Children's Home	2	2
48 - Adult Day Care	4	4
61 - Tattoo Artists	101	101
73 - Temporary Food Establishment	1	1
Report Totals:	1,945	4,915



Why Food Truck vs Restaurant?

Simple Economics!

- Food Truck = \$50,000.00 to \$100,000.00
- Restaurant = \$500,000.00 and Up

1st Year Failure: MFU = 25%

Restaurant = 60%

HISTORY of MFUs.....**New Opportunities**

Marzetti's On Your Plate blog explains that food trucks are now finding new business opportunities outside of airports, for people looking for a quick, local meal before embarking on their trip. This unique market represents what food trucks can do well. They're able to experiment with new markets with minimal risk. They're not investing in a new property to test airport diners – they're just driving there.

The link that binds the mobile operator to the “commissary”

15A NCAC 18A .2670 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS

(d) Pushcarts or mobile food units shall operate in conjunction with a permitted commissary and **shall report at least daily to the commissary** for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin, and other contamination. Water faucets used to supply water for pushcarts or mobile food units shall be protected to prevent contact with chemicals, splash, and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the commissary premises.



In The Beginning.....

- Traditional Restaurant with a little extra space
 - One MFU with limited menu
(sometimes two but frequently one was just a PC)

Simple Right?

What is a “Shared-use Kitchen”?

A permitted food service facility that is the home base for at least one other permitted food service operation (**commissary, incubator, etc.**)

Traditionally this consisted of a single Mobile Food Unit or Pushcart, sometimes two but then came the multi-operation concept with the intent on a potentially unlimited number of secondary permits



Shared-use Kitchens are evolving



<https://www.youtube.com/watch?v=Ny9fh4aLBbE>

Time: 1:50

Other Certified Commercial Kitchens. *Some food trucks end up renting space from local certified commercial kitchens, like schools, Elk's Clubs, churches, hotels, etc. In some cases, they may simply ask operators to cater events as a means of payment.*



The Concept Expands Locally

- <http://www.durhamcookery.com/about/>

It's widely accepted that The Cookery is the original Shared-use Kitchen in North Carolina



Commissary Controversy

OLD

GS 130A-248(c)

Upon issuance of a new permit or a transitional permit for an establishment, any previously issued permit for an establishment in that location becomes void.

General Statute clarified by SL 2015-286

New

GS 130A-248(c)

Upon issuance of a new permit or a transitional permit for the same establishment, any previously issued permit for an establishment in that location becomes void. This subsection does not prohibit issuing more than one owner or lessee a permit for the same location if (i) more than one establishment is operated in the same physical location and (ii) each establishment satisfies all of the rules and requirements of subsection (g) of this section.



Will & Pops Food Truck Commissary (now Kitchen Archive)

<https://abc11.com/food/new-commissary-huge-boost-to-triangle-food-truck-scene/1874594/>

The Raleigh Food Truck Scene made possible by Durham's commissaries!

“Station” Concept





















More Traditional Concept











6/14

HomeBUCHA

11:00 4:30

BOTTLE

MIESHA

8:05

Queso Monster

8:15

prep food

Ponlette

8:15

cook

El Rex del taco

10:30 5:15

cook

6/14

MIESHA

10:30

CHECK

6/14

El Torito

12:30 6:00

Load / prep.

HomeBUCHA

2:00 2:15

Load

Queso

2:30

clean / unload

Not T. Dogs

2:15 2:45

Prep - Ice

JITTA BOX ZINCH

10:25

CHECK / GET PRODUCT




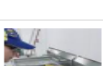








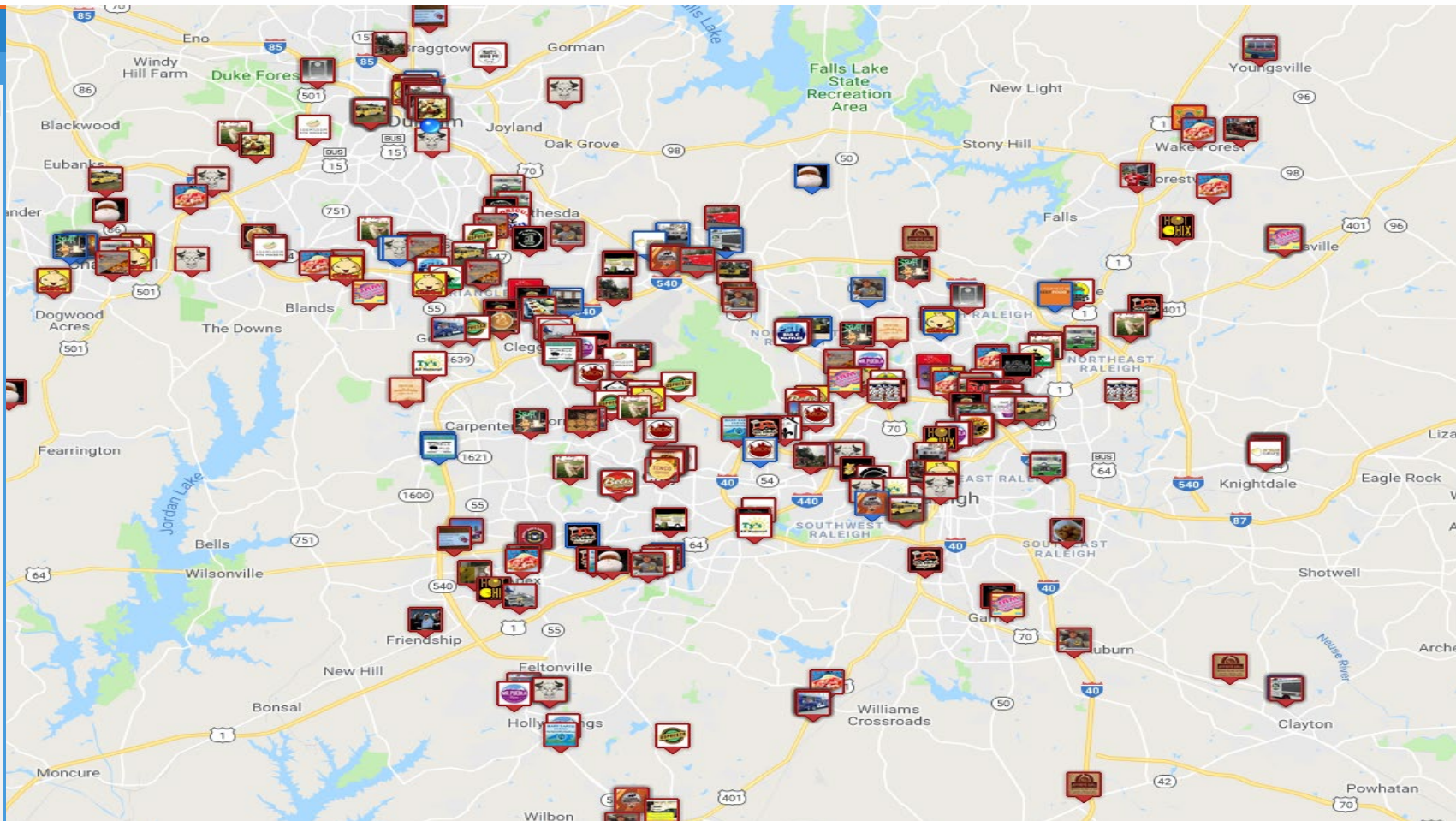
Find a MFU near You

Who's Open Vendors Hot Spots

Open This Week within Any miles

Today (8/15)

-  **Adobo Joe** 14.3 mi
Filipino
Stonehenge Apartments
5pm-7:30pm
-  **Daddy Bob's Barbeque** 20.82 mi
Barbeque, Comfort Food, Southern
Trophy Maywood
5pm-9pm
-  **Valentinos FoodTruck** 8.51 mi
Italian, American, Eclectic
Crossings at Alexander Place (Dinner Set Up)
5pm-8pm
-  **MexiArepas Grill** 13.57 mi
South American, Tex-Mex, Caribbean
Dinner
5pm-9pm
-  **Beli's Sazon** 19.1 mi
Latin American
Compass Rose Brewery
5pm-9pm
-  **Poblanos Tacos** 5.7 mi
Mexican, Latin American, Italian
Dinner @ Legacy at Meridian
5pm-8pm
-  **Chirba Dumpling** 19.95 mi
Chinese
Lynnwood Brewing
5pm-9pm
-  **Chirba Dumpling** 16.74 mi
Chinese
NorthCity 6 Apartments
5pm-8pm
-  **Baozi** 11.1 mi
Vegetarian, Asian Fusion, Southern
Black Horse Run
5pm-8pm
-  **BBQ Proper** 33.32 mi
Comfort Food, Southern, Barbeque
Deep River Brewing
5pm-9pm



<https://streetfoodfinder.com/c/NC/Durham>



State releases PS, Huge Help

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC HEALTH

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

DANIEL STALEY
DIRECTOR

December 19, 2017

POSITION STATEMENT:

Shared-use Kitchen Guidance

PURSUANT TO:

Session Law 2015-286, House Bill 765; N.C.G.S. 130A-248(c)

SOURCE:

Cindy R. Callahan, REHS
Head, Food Protection and Facilities Branch
Shared-use Kitchen Workgroup

ISSUE:

Plan Review, Permit, Inspection, and Enforcement for Shared-use Kitchens





Key Elements of State's PS.....

- Due to potential risks that are unique to shared-use kitchens, the ability for a permittee to maintain “active managerial control” is paramount. “Active managerial control” is defined as, “The purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness risk factors.” Further, active managerial control requires a commitment by management to identify and prevent potential accidental or intentional contamination events.

Key Elements of State's PS.....

- Primary permit holder shall be responsible for the following:
 - Implementing SOPs that ensure compliance with the Code.
 - Providing a certified food protection manager (CFPM) and person in charge (PIC) in accordance with Sections 2-102.12 and 2-102.20 of the Code.
 - Stored food used by the individual permit holders.
 - The maintenance and cleanliness of equipment and utensils.
 - The maintenance and cleanliness of sewage and waste disposal, toilet facilities, garbage facilities, and physical facilities including lighting and ventilation throughout the facility.
 - Activities that may lead to cross contamination of shared food contact surfaces and shared food storage spaces with physical, chemical, or biological hazards.
 - Pest control.
 - Any other activity that could compromise the public's health.

The permits issued should include conditions that are specific to the operation of the food establishment. If the conditions specified on the permit are not met, permit action may be taken.



Key Elements of State's PS.....

To assist the local health department with conducting inspections, the primary operator must provide an up-to-date master schedule showing when each permit holder will be operating. Secondary schedules may be required to establish separation (by time or space) of shared equipment.

For example, one six-foot prep table is provided in the kitchen and there are three permit holders that use the same table. The hours each permit holder may use the table for food preparation will need to be shown on the secondary schedule.

Permit Condition Examples:

- DIGITAL KEY FOB ACCESS REPORTS OR OTHER MUTUALLY AGREED METHODS CAN MEET THIS REQUIREMENT.
- OWNER / OPERATOR MUST PROVIDE ASSIGNED AND ADEQUATE REFRIGERATION, DRY STORAGE AND PREP SPACE FOR EACH VENDOR. WRITTEN SOP'S MUST BE SUBMITTED FOR EACH VENDOR NOT REQUIRING DESIGNATED PERMANENT STORAGE SPACES.
- DUE TO INDIVIDUAL PERMIT HOLDERS HAVING LIMITED CONTROL OVER CERTAIN ASPECTS OF THE FOOD ESTABLISHMENT, THE PRIMARY PERMIT HOLDER SHALL DEMONSTRATE ACTIVE MANAGERIAL CONTROL AND RESPONSIBLE FOR THE FOLLOWING:



Dilemmas, what to do?

New Operator submits initial application indicating they want to operate exclusively in another county but utilize a commissary in your county.

What do you do?

Safety Concerns

Mobile Food Unit exploded in July 2015 (Guilford County)



Firefighter sent to hospital, blew out windows of strip mall and cars 150 feet away

Safety.....

Philly MFU 2014

Lancaster, PA August 2018



Philly Food Truck Explosion

Lancaster MFU explodes





Aftermath of food truck explosion in Feltonville on on July 2, 2014. (credit: Pat Ciarrocchi)

Less than a week before the case was set to go to trial, the victims of a 2014 food truck explosion in North Philadelphia **settled out of court for \$160 million**, plus an additional confidential sum. Lawyers for the plaintiffs said it's the **largest pretrial settlement in Pennsylvania state court history.**

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Food truck safety



Food trucks have been gaining popularity in recent years, and until recently, there were no NFPA codes, standards, or guidelines to provide the minimum fire safety requirements.

<https://www.nfpa.org/Public-Education/By-topic/Property-type-and-vehicles/Food-truck-safety>



Other Safety Concerns

- CO poisoning
- Heat and Burns while inspecting
- Generator Fumes (toxic non-CO)
- Potential for shock/electrocution

We are the only enforcement entity for these units

NC Ag does a propane gas plumbing inspection but it's only required by a few counties and not supported by .2600 or NC FC

How to Address the Need

New Program Specialist position 2018

Added in 2018, this position aids the division in identifying and providing oversight for the current and ever-growing number of the “specialized food” processes taking place within Durham County foodservice establishments. If left unchecked, these processes can be immediately dangerous as well as contributory to chronic disease within the community. **This position will also enable the division to work more closely with and more effectively regulate the Shared-use Kitchen, Mobile Food Unit, and Catering communities. These operations not only have an impact on the health and wellbeing of Durham County residents, but also those in neighboring counties and potentially those across the state. Working more closely with these categories of operators will help Durham County continue to be a leader in “safe” but “business friendly” foodservice operations.**

Our Old Buddy from Outlaw Dogs

Hot Rod Dog



Shared-use
Kitchens
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Questions?

Thank You!



Live. Grow. *Thrive.*