



Public Health

Temporary Food Establishment (TFE) general information FAQ

I have my business license from the Tax Office. Can I go ahead and serve food?

- A business license or registration with the Secretary of State only covers requirements for taxable income. Before food may legally be sold to the public, TFE permit must be obtained for the event from the Health department. This permit will be written onsite once all permitting requirements have been met.

What if I want to organize my own festival?

- The festival organizer must contact the health department, city police department, fire department, tax office, zoning department, and if the event is to take place in a park, the city parks and recreation department. The organizer must make these contacts with sufficient notice so that all concerns can be addressed.

Can I cook foods at my home and sell them at a festival?

- All foods sold to the public must be cooked and prepared at an approved food service establishment, such as a restaurant. This includes any part of the food service, such as the seasoning of the food, cleaning of utensils, cooking or cooling of the food. No preparation or storage of the food to be served to the public at or from the home is allowed.

We are a nonprofit group. Do we need a permit?

- Nonprofit groups are allowed by the North Carolina General Statutes to prepare and sell food for up to two consecutive days per month. Request the Non-Profit Permit Exemption form and return it to our office, heathinspector@dconc.gov. Include an approval letter from the sponsoring agency.
- If the event exceeds two consecutive days, then the TFE application procedures must be followed.

What are examples of events that would need a permit?

- An event that offers food as part of the admission fee; such as a "complementary buffet".
- A vendor that is reimbursed for food and/or services provided to an event where food is sold.
- A fish fry to raise money for a profit (i.e. a general fundraiser without nonprofit sponsorship).
- An event where the food is not cooked onsite but is still plated-up onsite and served to the public.

How long can I serve food with a TFE permit?

- The TFE permit is good for up to 30 days for that specific event and location. TFE Permits do not transfer to new vendors, events or locations. When the event ends, the permit expires.

I should be able to sell food without a permit if I'm on my own property or if I have the permission of the property owner, right?

- Food sales are regulated under North Carolina law no matter the location. A nonprofit exemption may be applicable. Contact our office at TFEpermits@dconc.gov for more information.

Why is it required that I have a permit before I sell food?

- The risk of foodborne illnesses is greater when food is prepared and sold without the proper equipment or the knowledge to properly handle food. The food service rules are intended to protect the public from foodborne illnesses by requiring food sold to the public to have the necessary equipment and operating knowledge to do so safely.





What do I need to do if I want to have a fish fry to raise money for myself?

- Food cannot be sold to the public unless there is a valid permit from the Health department or the event qualifies for an exemption to the permitting requirements. The primary permit exemption is designed for the sale of food by non-profit organizations. These organizations must have a letter from state or federal tax officials indicating they are exempt from paying taxes. For the federal exemption, the food service operator must have a letter indicating they are exempt under section 501(c)(3) of the Internal Revenue Code. Such organizations may hold an unpermitted sale if they do not exceed two consecutive days of operation once per month. In addition, the volunteers of the organization must serve the food to the public and collect all money and revenues received.
- A fish fry could be permitted as a TFE, but only if it operated in conjunction with a festival, carnival, or similar public exhibition, and the operator met all the permitting requirements.

I have a permitted mobile food unit or pushcart permitted in North Carolina but was told I still need to complete an application to sell food at a festival. Why?

- A mobile food unit (or pushcart) permit is valid only if it returns to the approved commissary at least once a day for supplies and for re-stocking, cleaning, and emptying of waste water.
- The TFE application must be submitted to ensure the mobile food unit is able to meet all the requirements for the TFE rules.
- The North Carolina food service permit allows participation in a one-day event without obtaining a TFE permit. When an event lasts several days, and the mobile food unit is not able to move it once it is parked it will be in violation of the mobile food unit permit conditions.
- Mobile food units and push carts that hold a valid NC Permit may qualify to operate without paying the TFE permit fee for a single day event, once the mobile food unit permit is verified and approved.
- Documentation of the most current inspection must be provided to Environmental Health. The mobile food unit must have a valid permit with the county that issued the permit.

My food truck (or pushcart) is permitted in a different state. Do I need a TFE permit?

- Yes, the TFE application procedures must be followed. Food from a food establishment located in a state bordering North Carolina will have additional requirements to fulfill. Please contact our office for details.

I am just selling Italian ices. Do I need a permit?

- Certain foods are exempt from permitting and inspection. These include: popcorn, funnel cakes, cotton candy, candied apples, Italian ices, snow cones, ice cream, and baked goods such as cookies, cakes, fruit pies and bread.

Do I need a permit to sell cakes, candy, popcorn, and other fun foods?

- You will need a business registration, but you will not need a Health department permit unless you plan to serve items like meats, dairy items, cooked vegetables, fruit smoothies, or other potentially hazardous foods. The Durham Zoning Department regulates what businesses can be operated from a personal residence.
- Food that has been individually prepackaged in an establishment permitted by a local health department or NCDA can be sold without an additional permit; however, **it cannot be modified by the food vendor at the event.**





What about drinks? Can I sell drinks?

- Canned or pre-packaged drinks, coffee, or drinks from an approved carbonated dispenser can be sold without a permit. Pre-packaged drinks must either be served from the original can or bottle or from disposable cups; they cannot be served in cups that require washing. Lemonade or tea can only be served if they are made from an approved water source.

I see people selling food on the streets all the time. What about them?

- If these folks have a current valid Health department permit, it must be posted or readily available. If you do not see the Health department permit, the Health department may be contacted to report the food sales operation. Our main number is 919-560-7800.

Can you summarize what I need to do to sell food to the public?

- The organizer needs to complete the Coordinators Application for an event that has vendor selling food. Services provided on site by the coordinator are reviewed and confirmed by our TFE coordinator.
- Food vendors need to complete the application for a Temporary Food Establishment permit from the health department. Our office can be contacted at 919-560-7800. Our office works to ensure all vendors complete their applications for the event based on the information supplied by the coordinator.
- Food vendors need to work in conjunction with a festival, carnival, or other public exhibition to qualify for a TFE permit.
- Foodservice operations in conjunction with yard sales, auto sales, and auctions do not qualify for TFE permits.
- Once the application for a permit is completed and receives approval, the health department will inspect the set-up at the site to make sure all necessary items to safely prepare and serve the food are in place. No preparation or serving can be done until a written permit from the health department is issued.

