

DECATUR COUNTY

GEORGIA

NONPROFIT FOOD SALES AND FOOD SERVICES ORDINANCE

WHEREAS, Title 26 of the Official Code of Georgia, O.C.G.A. § 26-2-392, Article 14, delegates the responsibility to county or municipality to issue permits for the temporary operation of nonprofit food sales and food services at events sponsored by the county, municipality, or an organization.

NOW, THEREFORE, BE IT ORDAINED that the Decatur County Board of Commissioners enact the following ordinance to be called Nonprofit Food Sales and Food Services Ordinance for the unincorporated areas of Decatur County. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

County means Decatur County, Georgia

Event means festivals/fairs, carnivals, celebrations, sporting events, circuses, and other similar gatherings.

Nonprofit Food Sales and Food Services means the temporary sale or service of food items by an organization at an event sponsored by the County or organization or the temporary sale of food items by an organization if such sale is sponsored by a religious, charitable, or nonprofit corporation, including but not limited to churches, schools, clubs, lodges, or other such organizations.

Organization means an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2.

Permit for Temporary Food Sales and Food Services

Any persons/organizations engaging in operation of nonprofit food sales and food services shall obtain permit for the operation. Permits for temporary food sales and food services at events sponsored by the County or qualifying organizations shall be issued by the County Planning Department. Applications, attached to supplemental documents including proof of qualification as defined in the Organization above, shall be submitted to the Planning Department for at least a minimum of thirty (30) days prior to the date of the event, subject to the following conditions:

- (a) A permit shall be valid for a period of one hundred twenty (120) hours or less;
- (b) A subsequent permit shall not be issued to an organization until five (5) days have elapsed from the date of expiration of the initial permit;
- (c) No fee shall be charged for the issuance of any such permit.

General Provisions

This ordinance regulates standards for food, labeling, and containers; protection from contamination; temperature; prohibited foods; utensils and equipment; ice; transport to other location; reuse at other events; handwashing facilities; and unapproved facilities.

- (a) This Code section applies to food items prepared and offered for sale by organizations at events covered under this article. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a licensed food processing establishment is prohibited.
- (b) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be either forty five (45) degrees Fahrenheit or below or one hundred forty (140) degrees Fahrenheit or above at all times.
- (c) The preparation of the following potentially hazardous food is prohibited unless the organization has an established hazard control program approved by the Decatur County Board of Health:
 - (1) Pastries filled with cream or synthetic cream;
 - (2) Custards;
 - (3) Products similar to the product listed in Paragraph (1) and (2) of this subsection;
or
 - (4) Salads containing meat, poultry, eggs, or fish.
- (d) Frozen desserts shall only be produced using commercially pasteurized mixes or ingredients. Suitable utensils must be provided to eliminate hand contact with the cooked product. All utensils and equipment shall be cleaned periodically as necessary to prevent a buildup of food.
- (e) Ice that is consumed or that contacts food shall be from an approved source that is

licensed for production, packaging, and distribution of ice for human consumption and protected from contamination until used. Ice used for cooling stored food shall not be used for human consumption. Food shall be served in an individual-meal type of container and handed to the customer. Food items shall not be transported for sale at any other location or sold, held, or reused at another event.

- (f) A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, running water and individual paper towels.
- (g) This Code section shall in no way be construed to allow the sale of food items which have been packaged, bottled, or canned in unapproved facilities. All foods prepared or sold must come from an approved source.
- (h) Decatur County Board of Health is authorized to provide staff assistance to organizations at events covered under this ordinance for the purpose of providing food safety instruction.

Enforcement

The County Planning Department or designee shall be responsible for the enforcement of the provisions of this ordinance. Any organization operating without a permit shall be found in violation of this ordinance and shall be ordered to cease operation.

Appeals

Any organization which is aggrieved or adversely affected by any final order or action of the County board of health or district health director may have a review thereof by appeal to the Georgia Commissioner of Human Resources or his designee. Appeals to the Commissioner shall be heard after not more than eight hours.

This Nonprofit Food Sales and Food Services Ordinance, hereby, is approved and shall take effect and be in full force and effect:

On this 1st day of August, 2009.

H. Palmer Rich,
Chairman, Board of the Commissioners

Beverly King,
County Clerk