

Hart County Board of Commissioners
Tuesday September 8, 2020
6:00 p.m.

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)
 - 08/25/2020 Reg Meeting
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT
10. CHAIRMAN'S REPORT
August Financial Report
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
 - a) Amendment to Article_VII_Uilities_Facility_ Installation (3rd and final Reading)
 - b) Final Adoption FY21 Budget
 - c) Sales Tax and Insurance Premium Tax Rollback Resolution Tax Year 2020
 - d) Final Adoption County M&O Millage Rate Tax year 2020 (FY21)
 - e) Board of Health Vacancies
 - f) Vote to Release July 14, 2020 Executive Session Minutes
13. NEW BUSINESS
 - a) Mitigation Plan Resolution
 - b) Closure of Long Point Park for Winter, November 30th, 2020 thru March 1st, 2021
 - c) Annual Auditor's Engagement
 - d) Bowers' Annexation Request to City of Hartwell for Parcel Number I56K 018
 - e) Nomination of Mike Adams to Serve on Region II EMS Advisory Council
 - f) New State Requirements Involving Temporary Food Service Permitting for County Sponsored and or Non-Profit Sponsored Events in the Unincorporated area of County
14. PUBLIC COMMENT
15. EXECUTIVE SESSION –
16. ADJOURNMENT

Hart County Board of Commissioners
August 25, 2020
6:00 p.m.

Hart County Board of Commissioners met August 25, 2020 at the Hart County Administrative & Emergency Services Center.

Chairman Joey Dorsey presided with Commissioners Frankie Teasley, Marshall Sayer and Ricky Carter in attendance. Commissioner R C Oglesby was absent.

1. Prayer

Prayer was offered by Commissioner Sayer.

2. Pledge of Allegiance

Everyone stood in observance of the Pledge of Allegiance.

3. Call to Order

Chairman Dorsey called the meeting to order.

4. Welcome

Chairman Dorsey welcomed those in attendance.

5. Approve Agenda

Commissioner Sayer moved to amend and approve the meeting agenda to remove item 13 a; include 13 d) ACCG Voting Delegate; Item 15 Real Estate/Litigation. Commissioner Teasley provided a second to the motion. The motion carried 4-0.

6. Approve Minutes of Previous Meeting(s)

- 08/11/2020 Reg Meeting

Commissioner Sayer moved to approve the minutes of August 11, 2020 regular meeting. Commissioner Teasley provided a second to the motion. The motion carried 4-0.

7. Remarks By Invited Guests, Committees, Authorities

None

8. Reports By Constitutional Officers & Department Heads

Tax Assessor Quarterly Update, Wayne Patrick, Chief Appraiser

County Attorney Walter Gordon reported he did not find the action taken by Commissioner Carter in regards to disclosing information discussed in Executive Session was criminal in nature to contact the Attorney General's office. He prepared an ethics pledge for member of the board to sign and consideration for an amendment to the Code of Ordinances Article IV Code of Ethics.

Chairman Dorsey, Commissioner Teasley and Commissioner Sayer announced signing the ethics pledge. Commissioner Carter stated he wanted to read the pledge before he signs it.

Commissioner Teasley moved to approve the first reading of amendment to Code of Ordinances, Article IV Code of Ethics. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

Chief Appraiser Wayne Patrick reported sales have met DOR ratio; there is an 8-10% increase in market; appraisers' office has processed 500 transactions; as of August 10 203 total appeals have been filed and the tax digests has been turned over to the Tax Commissioner.

9. County Administrator's Report

County Administrator Terrell Partain did not have any to report.

10. Chairman's Report

Chairman Dorsey offered condolences to the families of Pete Nagel, founding member of the Property Owners Association and Harold Dye, Economic Developer Dwayne Dye's father.

Chairman Dorsey moved to enact a policy pertaining to anyone ruled out of order during public comment, the individual loses the opportunity to speak unless a majority of vote by the BOC allows the individual to speak. Commissioner Sayer provided a second to the motion.

Bowersville resident David Cagle raised his hand and said he had comments. Chairman Dorsey called him out of order.

Commissioner Carter questioned what defines someone for being out of order. Chairman Dorsey responded anyone with personal attacks.

Chairman Dorsey called for the vote. The motion carried 3-1 (Commissioner Carter opposed).

11. Commissioners' Reports

Commissioner Teasley thanked Law Enforcement, Fire and EMS personnel for their daily efforts.

12. Old Business

- a) Amendment to Article_VII_Uilities_Facility_Installation (2nd Reading)

Commissioner Sayer moved to approve the second reading of the Amendment to Article VII. Commissioner Carter provided a second to the motion. The motion carried 4-0.

13. New Business

- a) Item was removed from the agenda
- b) Use of Courthouse Grounds for Annual Scarecrow Event

Commissioner Carter moved to grant the use of Courthouse Grounds for Annual Scarecrow Event. Commissioner Teasley provided a second to the motion. The motion carried 4-0.

- c) Hartwell Main Street Request to Place Picnic Tables on Courthouse Grounds

Commissioner Carter moved to approve the request to place three picnic tables on the courthouse grounds. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

- d) ACCG Voting Delegate

Commissioner Teasley moved to appoint Commissioner Sayer to serve as the ACCG Voting Delegate on behalf of Hart County. Chairman Dorsey provided a second to the motion. The motion carried 4-0.

14. Public Comment

County Resident Allen Brown urged the Board to reconsider time for anyone to speak in public without of fear of being called out of order.

Chairman Dorsey responded a certain individual has a history of person attacks and challenged Mr. Brown to review the previous BOC video.

Bowersville resident David Cagle asked to speak.

Commissioner Marshall moved to allow David Cagle time to speak. Commissioner Carter provided a second to the motion. The motion carried 4-0.

David Cable thanked U.S. Congressman Doug Collins; requested the BOC submit to random drug testing.

Bowersville resident George Nolan inquired about ethics pledge allowing for errors and omissions.

15. Executive Session – Real Estate/Litigation

Commissioner Sayer moved to exit into Executive Session to discuss real estate and litigation matters. Commissioner Teasley provided a second to the motion. The motion carried 3-0.

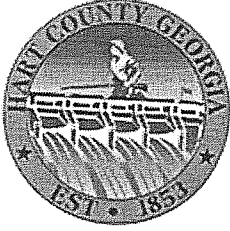
Commissioner Teasley moved to exit Executive Session and reconvene the regular meeting session. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

16. Adjournment

Commissioner Teasley moved to adjourn the meeting. Commissioner Carter provided a second to the motion. The motion carried 4-0.

Joey Dorsey, Chairman

Lawana Kahn, County Clerk



Hart County Board of Commissioners
Called Meeting
Tuesday August 25, 2020
To follow Regular Meeting
Hart County Administrative and Emergency
Services Building

1. FY21 Budget
General Fund Budget

39100 Animal Shelter

2. Adoption of Final Draft FY21 General Fund Budget

3. Adoption of Tax year 2020 Millage Tentative Rate

4. Other Items as Time Allows

1. Animal Shelter

Commissioner Sayer moved to leave the Animal Shelter's Budget the same as FY20. Chairman Dorsey provided a second to the motion. The motion carried 4-0.

2. Adoption of Final Draft FY21 General Fund Budget

Chairman Dorsey moved to approve the final draft of FY21 budget. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

3. Adoption of Tax year 2020 Millage Tentative Rate

Chairman Dorsey moved to adopt a tentative millage rate of 5.710. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

Commissioner Teasley moved to adjourn the meeting. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

Joey Dorsey, Chairman

Lawana Kahn, County Clerk

FY 2020 Budget Financial Dashboard

FY 2020	October	November	December	January	February	March	April	May	June	July	August	YTD	TARGET	GAP to TARGET	% GAP to TARGET
Revenues	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566				
Expenditures	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566	\$1,035,566				
Actual Revenue	\$432,259	\$1,390,520	\$3,545,521	\$2,778,212	\$673,213	\$693,044	\$568,495	\$652,392	\$694,483	\$993,480	\$673,741	\$13,095,360	\$11,391,224	\$1,704,136	15%
Actual Expenses	\$963,851	\$924,985	\$1,352,557	\$1,111,370	\$779,038	\$1,064,767	\$858,254	\$811,740	\$1,314,613	\$1,030,304	\$982,168	\$11,193,647	\$11,391,224	-\$197,577	-2%
Monthly Variance	-\$531,592	\$465,534	\$2,192,964	\$1,666,843	-\$105,825	-\$371,722	-\$289,759	-\$159,348	-\$620,130	-\$36,824	-\$308,428	\$1,901,713		\$1,901,713	
	-\$531,592	-\$66,058	\$2,126,907	\$3,793,749	\$3,687,924	\$3,316,202	\$3,026,443	\$2,867,096	\$2,246,965	\$2,210,141	\$1,901,713				
Real Property (Target \$470K)	\$30,526	\$733,252	\$2,621,094	\$1,825,468	\$105,449	\$63,557	\$18,598	\$64,770	\$43,464	\$20,042	\$21,140	\$5,547,360	\$5,170,000	\$377,360	
LOST (Target \$188K)	\$244,241	\$218,113	\$219,378	\$241,685	\$208,052	\$202,925	\$222,689	\$238,353	\$250,927	\$263,021	\$244,945	\$2,554,329	\$2,068,000	\$486,329	
EMS Fees (Target \$95.8)	\$96,386	\$76,118	\$70,307	\$110,319	\$82,814	\$84,159	\$118,976	\$74,026	\$85,286	\$80,211	\$108,798	\$987,398	\$1,053,800	-\$66,402	
Vehicle Title Fee (Target \$62K)	\$96,707	\$109,494	\$78,243	\$109,661	\$109,771	\$89,182	\$117,925	\$87,394	\$108,999	\$115,956	\$114,550	\$1,137,881	\$682,000	\$455,881	
LEGEND												LEGEND			
Meets or Exceeds Target												Meets or Exceeds Target			
Variance < 3% or Target												Variance < 3% or Target			
Variance > 3% of Target												Variance > 3% of Target			

12a

ARTICLE VII. - UTILITIES FACILITY INSTALLATION PERMIT

Sec. 66-186. - Required; exceptions.

- (a) This article governs the installation of telephone lines, gas lines, water lines, sanitary sewer lines, electrical lines, fuel lines, steam lines, television cables, open storm drainage, storm sewers and other utilities within county-maintained road or street rights-of-way. New facilities or extensions of existing facilities within such rights-of-way shall require a written application and a permit issued by the board of commissioners. Service lines and maintenance and repair of existing facilities where, other than replacement lines or facilities, no new lines or facilities are installed shall not require a permit unless a pavement cut is required, but all other requirements of this article shall apply to such activities, where applicable. In all cases, service connections which involve setting a pole on county right-of-way or cutting or boring beneath the pavement will require a permit.
- (b) Emergency cuts without a permit may be made when required. Such cuts shall be followed by a written application or report to the county planning director Road Superintendent within two working days thereafter. Repairs to the pavement and disturbed soil and all other applicable requirements of this article shall apply to such emergency cuts. For the purpose of this article, emergency is defined as an occurrence which results in a loss of service or would otherwise pose an immediate risk of loss of life, equipment or other valuable commodity.

(Ord. of 10-27-1998, § 1)

Sec. 66-187. - Application.

- (a) Application for a permit for utility facility installation shall be made to the county planning director Board of Commissioners Office. The applicant shall submit with the permit application letter-size prints of a satisfactory plan showing in sufficient detail the location of the proposed facility or operation as described in the permit application. The plan shall show the size or capacity of the facility to be installed; its relationship to right-of-way features such as right-of-way lines, pavement edge, structures, etc.; horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the right-of-way and its operation. When changes are required and approved on construction, the applicant shall provide revised "as built" plans and furnish two copies for the county's permit record files.
- (b) In those cases where a state department of transportation application and permit is required, a copy of the state department of transportation application and permit along with the expected date of work commencement shall be provided to the planning director Road Superintendent in addition to the application and permit requirements described in this article.

(Ord. of 10-27-1998, § 2)

Sec. 66-188. - Action on application.

Upon receipt of an application for permit under this article, the county shall within five business days either issue or reject the requested permit or request additional information when warranted. When additional information is requested, the permit shall be issued or rejected within five business days from the receipt of such sufficient information.

(Ord. of 10-27-1998, § 12)

Sec. 66-189. - Requirements.

- (a) The applicant for a permit under this article shall notify the planning director's Road Superintendent's office at least 24 hours before starting any work under the permit. Further, the applicant shall notify the planning director's Road Superintendent's office when the work authorized under the permit has been completed so that an inspection can be made by the department's representative.
- (b) The full and entire expenses and cost of the facility installation and maintenance shall be borne by the utility owner and the utility owner shall make necessary arrangements for traffic over the point during such work as may be directed by the county planning director Road Superintendent or designated representative of the board of commissioners. The utility owner shall place the necessary barricades, warning signs, signals, lights and, if necessary, guards for the protection of the traveling public, and further agrees by the acceptance of the permit to keep and hold the county harmless from any and all damages caused by negligence on the part of the utility owner, its agents, servants, officers or employees, or contractors, engaged in doing such work, or any injuries or damages suffered by anyone as a result thereof. All traffic safety measures will be in accordance with the state department of transportation's Manual of Uniform Traffic Control Devices, a copy of which shall be available for inspection at the office of the planning director Road Superintendent.
- (c) All facilities shall be installed in accordance with the state department of transportation's Utility Accommodation Policy and Standard where applicable. The document will be maintained on file in the office of the county planning director Road Superintendent.
- (d) The work shall be performed in a workmanlike manner and all installations shall be done by the utility owner in such a way as to leave free flows in drainage ditches, pipes, culverts or other surface water drainage facilities of the roadway or its connections. No part of any installation shall be attached to any portion of a bridge, culvert or other structure of the roadway without special authorization of the county planning director Road Superintendent or designated representative of the board of commissioners after detailed information is furnished as such representative may require.
- (e) The installation of a facility as authorized shall be subject to the inspection, direction and control of the county planning director Road Superintendent or designated representative of the board of commissioners, who shall be notified before work is commenced.
- (f) Prior to the commencement of any work authorized by permit, where applicable, notification to the utilities protection center of the nature of the work to be performed is required.
- (g) All land disturbing activities shall be conducted in accordance with the provisions of section 34-31 et seq., pertaining to erosion and sedimentation control, and other applicable county ordinances.
- (h) The applicant shall ensure that facilities installed on county rights-of-way are kept free from all vegetative growth which create a visible obstruction to such facility. If facilities are not maintained in such a manner, the county may elect to undertake this work and charge the applicant accordingly.

(Ord. of 10-27-1998, §§ 2—9)

~~Sec. 66-190. - Permit binding; transfer, assignment.~~

The permit and the privileges granted under this article, and the obligation of the permittee created thereby, shall be binding upon the successors and assigns of the permittee. The permittee shall give the county written notice of any such assignment or transfer prior to such assignment or transfer taking place.

(Ord. of 10-27-1998, § 10)

~~Sec. 66-191. - Rights reserved.~~

If the board of commissioners should in the future decide to widen and/or relocate the existing road, the board of commissioners reserves the right to require the utility owner to take up and re-lay such

sections of the facility within the right-of-way as may be necessary from an engineering standpoint due to such widening and/or relocating; the taking up and re-laying to be at the expense of the utility owner. The work shall be completed within 60 working days after notification by the board of commissioners or within such other time as may be approved in writing by the county planning director Road Superintendent or designated representative of the board of commissioners.

(Ord. of 10-27-1998, § 11)

Sec. 66-192. - Stop work order.

In cases of noncompliance with the provisions of this article, the planning director Road Superintendent is granted the authority to issue a stop work order to those in violation of the article. In such cases, work will stop immediately upon issuance of the stop work order and may not resume until all matters of noncompliance have been resolved to the satisfaction of the planning director. Road Superintendent

(Ord. of 10-27-1998, § 13)

Sec. 66-193. - Enforcement.

All law enforcement agencies, officers and officials of the county, or any enforcement agency or officer of the state, and the county planning director Road Superintendent are authorized, empowered and directed to enforce compliance with this article.

(Ord. of 10-27-1998, § 14)

Sec. 66-194. - Violation; penalty.

- (a) Any person violating any provision of this article shall be tried before the magistrate court of the county. The procedure for enforcement of this article shall be as provided in O.C.G.A. § 15-10-60 et seq., which is entitled "Violation of Ordinances of Counties and State Authorities."
- (b) Upon conviction, a violation of this article may be punished as provided in section 1-13.

(Ord. of 10-27-1998, § 14)

Secs. 66-195—66-200. - Reserved.

First Reading	August 11, 2020
Second Reading	August 25, 2020
Third and Final Reading and Adopted	September 8, 2020



MEMORANDUM

Terrell Partain,
County Administrator
August 31, 2020

RE: Item 12 B Final Adoption FY21 Budget

The Board approved a Final Draft Budget for the General Fund FY2020 of \$13,231,710.00 at the August 25, 2020 Regular meeting. The budget has been posted on our website and a printed copy has been available for public viewing since that meeting.

It is ready for final adoption.



MEMORANDUM

Terrell Partain,
County Administrator
August 31, 2020

RE: Item 12 C Sales Tax and Insurance Premium Tax Rollback Resolution Tax Year
2020

Attached is the resolution to roll back the overall millage rate by 2.566 mills because of
LOST dollars.



MEMORANDUM

Terrell Partain,
County Administrator
August 31, 2020

RE: Item 12 D Final Adoption County M&O Millage Rate Tax year 2020 (FY21)

Attached is the PT32.1 for rolling back the millage rate from the 5.890 mills of 2019 to 5.710 for 2020 tax years.

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2020

COUNTY: Hart	TAXING JURISDICTION: County Wide
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ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2019 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2020 DIGEST
REAL	996,584,951	32,180,023	16,404,864	1,045,169,838
PERSONAL	117,282,124		8,744,908	126,027,032
MOTOR VEHICLES	17,922,370		(2,323,100)	15,599,270
MOBILE HOMES	9,381,587		27,603	9,409,190
TIMBER -100%	498,526		231,973	730,499
HEAVY DUTY EQUIP	291,120		62,501	353,621
GROSS DIGEST	1,141,960,678	32,180,023	23,148,749	1,197,289,450
EXEMPTIONS	141,087,404		1,167,818	142,255,222
NET DIGEST	1,000,873,274	32,180,023	21,980,931	1,055,034,228
	(PYD)	(RVA)	(NAG)	(CYD)
2019 MILLAGE RATE: 5.890				
2020 MILLAGE RATE: 5.710				

CALCULATION OF ROLLBACK RATE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2019 Net Digest	PYD	1,000,873,274	
Net Value Added-Reassessment of Existing Real Property	RVA	32,180,023	
Other Net Changes to Taxable Digest	NAG	21,980,931	
2020 Net Digest	CYD	1,055,034,228	(PYD+RVA+NAG)
2019 Millage Rate	PYM	5.890	PYM
Millage Equivalent of Reassessed Value Added	ME	0.180	(RVA/CYD) * PYM
Rollback Millage Rate for 2020	RR - ROLLBACK RATE	5.710	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)	Rollback Millage Rate	5.710
	2020 Millage Rate	5.710
	Percentage Tax Increase	0.00%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2020 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2020 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

Responsible Party

Title

Date

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2020

COUNTY: Hart	TAXING JURISDICTION: County Wide
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ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2019 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2020 DIGEST
REAL	996,584,951	32,180,023	16,404,864	1,045,169,838
PERSONAL	117,282,124		8,744,908	126,027,032
MOTOR VEHICLES	17,922,370		(2,323,100)	15,599,270
MOBILE HOMES	9,381,587		27,603	9,409,190
TIMBER -100%	498,526		231,973	730,499
HEAVY DUTY EQUIP	291,120		62,501	353,621
GROSS DIGEST	1,141,960,678	32,180,023	23,148,749	1,197,289,450
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2019 MILLAGE RATE:	5.890
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CALCULATION OF ROLLBACK RATE

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Rollback Millage Rate for 2020	RR - ROLLBACK RATE	5.710	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)	Rollback Millage Rate	5.710
	2020 Millage Rate	5.710
	Percentage Tax Increase	0.00%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2020 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2020 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

Responsible Party

Title

Date

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2020

COUNTY: Hart	TAXING JURISDICTION: County Wide
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CALCULATION OF ROLLBACK RATE

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2019 Net Digest	PYD	1,000,873,274	
Net Value Added-Reassessment of Existing Real Property	RVA	32,180,023	
Other Net Changes to Taxable Digest	NAG	21,980,931	
2020 Net Digest	CYD	1,055,034,228	(PYD+RVA+NAG)
2019 Millage Rate	PYM	5.890	PYM
Millage Equivalent of Reassessed Value Added	ME	0.180	(RVA/CYD) * PYM
Rollback Millage Rate for 2020	RR - ROLLBACK RATE	5.710	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)	Rollback Millage Rate	5.710
	2020 Millage Rate	5.710
	Percentage Tax Increase	0.00%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2020 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2020 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2020 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

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Responsible Party

Title

Date

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2020

COUNTY: Hart	TAXING JURISDICTION: County Wide
---------------------	---

ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2019 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2020 DIGEST
REAL	996,584,951	32,180,023	16,404,864	1,045,169,838
PERSONAL	117,282,124		8,744,908	126,027,032
MOTOR VEHICLES	17,922,370		(2,323,100)	15,599,270
MOBILE HOMES	9,381,587		27,603	9,409,190
TIMBER -100%	498,526		231,973	730,499
HEAVY DUTY EQUIP	291,120		62,501	353,621
GROSS DIGEST	1,141,960,678	32,180,023	23,148,749	1,197,289,450
EXEMPTIONS	141,087,404		1,167,818	142,255,222
NET DIGEST	1,000,873,274	32,180,023	21,980,931	1,055,034,228
	(PYD)	(RVA)	(NAG)	(CYD)

2019 MILLAGE RATE:	5.890	
---------------------------	-------	--

		2020 MILLAGE RATE:
--	--	---------------------------

5.710

CALCULATION OF ROLLBACK RATE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2019 Net Digest	PYD	1,000,873,274	
Net Value Added-Reassessment of Existing Real Property	RVA	32,180,023	
Other Net Changes to Taxable Digest	NAG	21,980,931	
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Rollback Millage Rate	5.710
2020 Millage Rate	5.710
Percentage Tax Increase	0.00%

CERTIFICATIONS

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Chairman, Board of Tax Assessors

Date

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Tax Collector or Tax Commissioner

Date

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Responsible Party

Title

Date

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COUNTY: Hart	TAXING JURISDICTION: County Wide
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2019 MILLAGE RATE:	5.890		2020 MILLAGE RATE:	5.710

CALCULATION OF ROLLBACK RATE

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	Percentage Tax Increase	0.00%

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Chairman, Board of Tax Assessors

Date

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Tax Collector or Tax Commissioner

Date

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Responsible Party

Title

Date



MEMORANDUM

Terrell Partain,
County Administrator
August 31, 2020

RE: Item 12 E Board of Health Vacancies

Consumer Advocate Hilda Mauldin, appointment by the BOC, 6-year term ending 12/31/2021 has resigned from the Board of Health.

We need to advertise for someone to fulfill her un-expired term on the Board.



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 A Mitigation Plan Resolution

This Plan has to be updated every five years; our Hazardous Mitigation Plan update has finally been approved by GEMA. It was submitted to them just before the beginning of the COVID situation and the process has taken much longer than normal. The next step in the process is to adopt the updated plan by Resolution then it will be submitted to FEMA for final Approval.

RESOLUTION – HART COUNTY, GEORGIA

HART COUNTY HAZARD MITIGATION PLAN UPDATE 2019-2024

WHEREAS, Hart County and its municipalities recognize that it is threatened by several different types of natural and man-made hazards that can result in loss of life, property loss, economic hardship and threats to public health and safety; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has required that every county and municipality have a pre-disaster mitigation plan in place, and requires the adoption of such plans in order to receive funding from the Hazard Mitigation Grant Program; and

WHEREAS, a Hazard Mitigation Plan is a community's plan for evaluating hazards, identifying resources and capabilities, selecting appropriate actions, and developing and implementing the preferred mitigation actions to eliminate or reduce future damage in order to protect the health, safety and welfare of the residents in the community; and

WHEREAS, the Hart County Hazard Mitigation Plan Update 2019 - 2024 has been prepared in accordance with FEMA requirements at 44 CFR 201.6; and

WHEREAS, the Plan will be updated every five years;

NOW, THEREFORE, BE IT RESOLVED, by the Hart County, Georgia, Board of Commissioners, that:

- 1) Hart County, Georgia, has adopted the Hart County Hazard Mitigation Plan Update 2019 - 2024; and
- 2) It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range mitigation planning and budgeting for Hart County and its municipalities.

PASSED, APPROVED AND ADOPTED by the Hart County, Georgia, Board of

Commissioners in regular session this 8th day of September, 2020.

Chairperson

County Clerk



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 B Closure of Long Point Park for Winter, December 1st, 2020 thru March 1st, 2021

As normal we close Long Point Park for the winter months for maintenance.

We request the Park be closed to the public from November 30, 2020 thru March 1, 2021



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 C Annual Auditor's Engagement

It is time to begin the Annual Outside Audit of Hart County Government for FY 20. This requires a Commitment letter to be signed by the Chairman for responsibility and Governance oversight and by the County Administrator for Management responsibility and oversight.

What is needed is a motion and vote to authorize the Chairman and Myself to sign the document to begin the audit process for FY20 budget year.



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 D Bowers' Annexation Request to City of Hartwell for Parcel Number I56K 018

We have received a request from the City of Hartwell for a owner requested annexation of parcel I56K 018. All the corresponding paperwork is attached.

Reviewing the documentation supplied all annexation requirements have been met. My recommendation is to approve from the County's standpoint.

Your decision will be sent to the City within the required length of time



City of Hartwell

500 E. Howell Street Hartwell, GA 30643

Tel: 706.376.4756

Fax: 706.376.6263

Email: cityofhartwell@hartcom.net

Mayor

Jennifer Scott

City Council

Arthur Craft
Billy Ethridge
Tony Haynie
Tray Hicks
David Little
Mike MacNabb

City Manager

David L. Aldrich

City Clerk

Jean Turner

Finance Officer

Joan Hughes

Police Chief

Cecil Reno

Fire Chief/ Fire Marshall

Terry Vickery

Sanitation Superintendent

Dean Carruth

Public Works Director

Dennis White

Public Works Superintendent

Audie Laviolette

August 31st, 2020

To: Hart County Board of Commissioners

From: Jason Ford, Zoning Administrator

Subject: **Annexation Application**

Date/Time: **August 31st, 2020**

George Bowers applied to annex approximately .69 acres, tax parcel I56K 018 at the end of Rainbow Lane, Hartwell GA on 8-31-2020. The request is for the existing .69 acres to be zoned as R-2 multi-family residential.

The parcel involved is in Hart County, GM District 1112th and shown on the Hart County Parcel Map as I56K 018.

Please call or email me if you have any questions.

Thanks,

Jason Ford
Zoning Administrator



GOVERNOR'S
ALL-STAR
COMMUNITY

NATIONAL HISTORIC
REGISTER LISTING

CERTIFIED LOCAL
GOVERNMENT

APPLICATION FOR ZONING AMENDMENT

CITY OF HARTWELL
500 EAST HOWELL STREET
HARTWELL, GEORGIA 30643
(706) 376-4756

Date 8/31/20

- ☒ Ordinance Amendment
☒ Map Amendment (Rezoning)
☐ Variance Request
☐ Special Exception

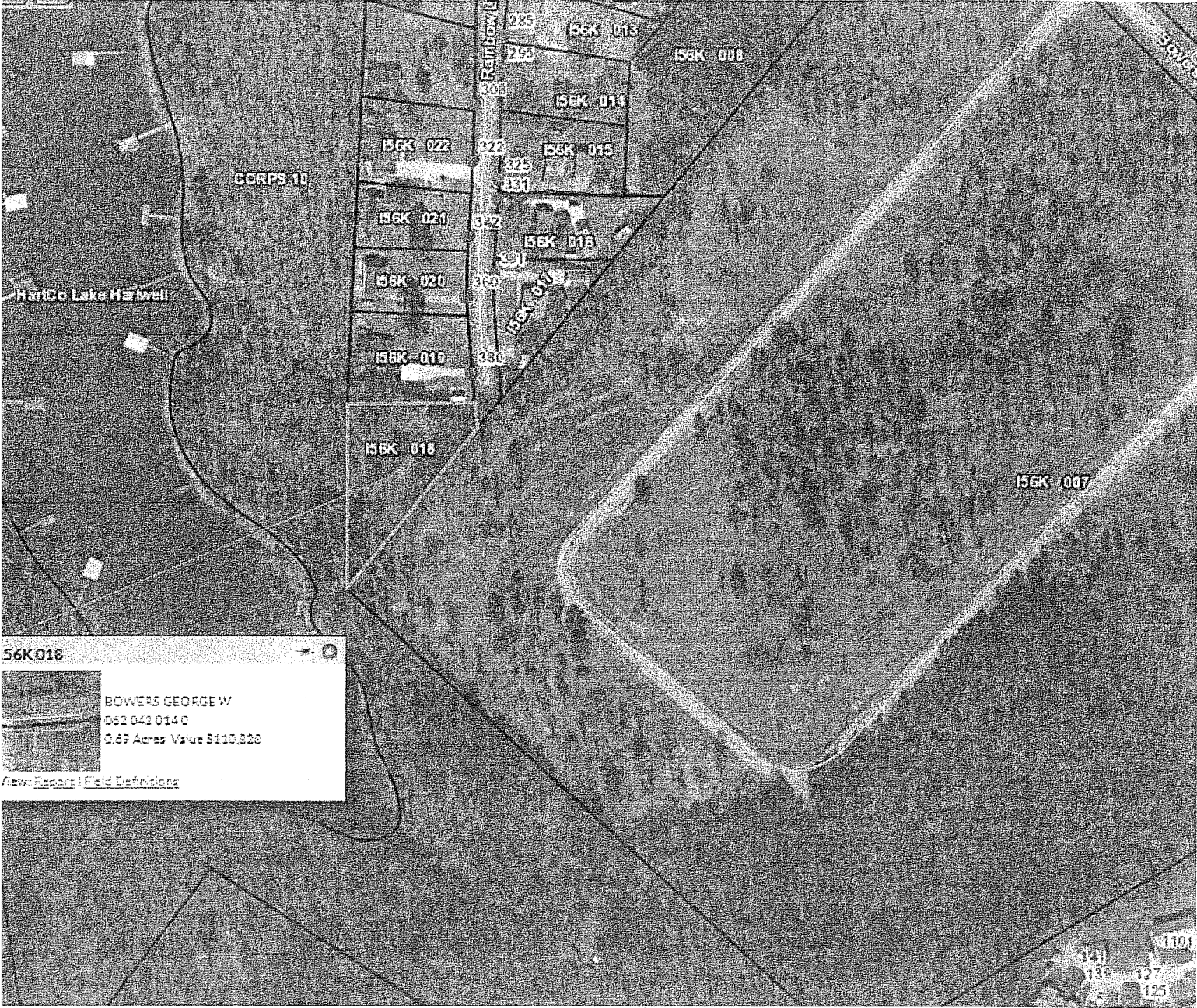
I hereby request a Zoning Amendment as follows:

I 56A.018. ANNEXATION
to combine this property to his adjacent property (already)
in city wants to allow for future development

Current Zoning: NA. Proposed Zoning: R2

Owner of Property: George W. Bowers
Address: 5985 Mt Olivet RD Hartwell
Telephone Number: 706-436-4725

- A. If the Owner and Applicant are not the same, please complete Attachment 1.
- B. Application Fee: \$300.00
- C. Legal description and recent plat of the property must be submitted.
- D. Letter of intent describing proposed property development.
- E. Disclosure statement as described in Attachment 2, which is required by O.C.G.A. 36-67A, must be submitted.
- F. Site plan, if applicable, containing the following information, shall be submitted:
1. Title of proposed development and name, address and telephone number of property owner.
 2. Name, address and telephone number of the architect, engineer, or other designer of proposed development.
 3. Scale, date, and general location map showing relationship of the site to streets or natural landmarks.
 4. Boundaries of subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading.



156K018

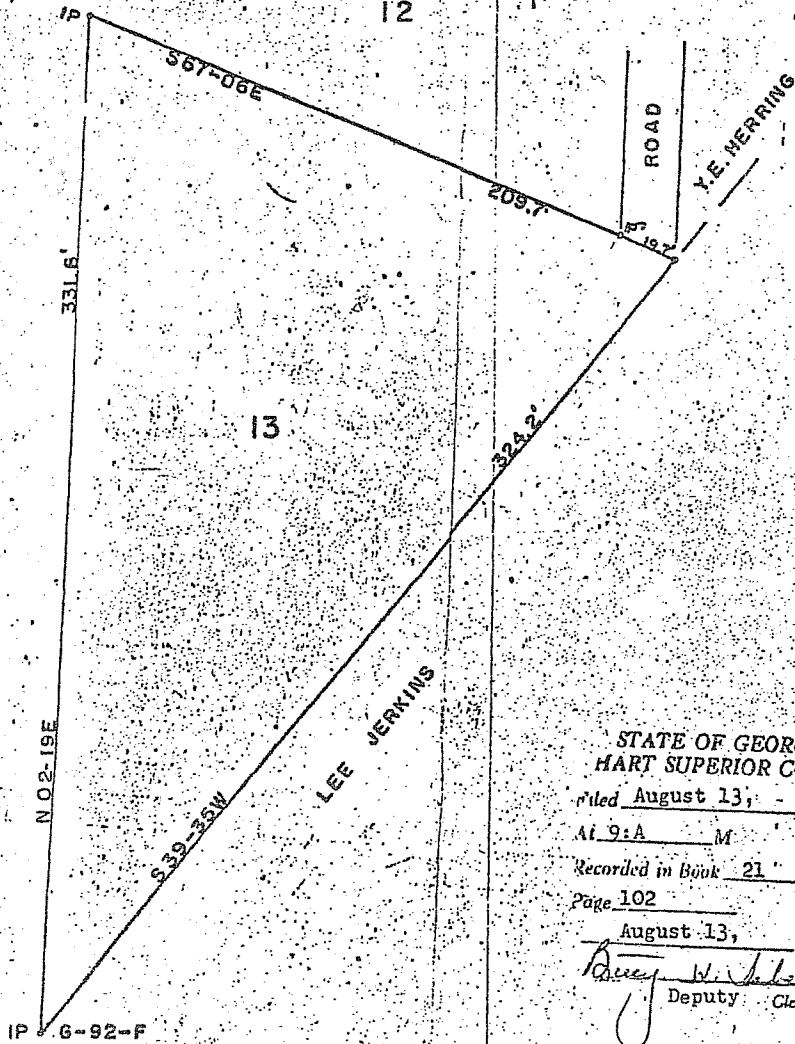
BOWERS GEORGE W

062 042 0140

0.67 Acres Value \$110,828

[New Report](#) [Field Definitions](#)

U.S.A.



STATE OF GEORGIA
HART SUPERIOR COURT

Filed August 13, - 1973

At 9: A M

Recorded in Book 21

Page 102

August 13, 1973

Deputy Clerk
Deputy Clerk

Y. EDWIN HERRING
Rt. 1
Hartwell, Georgia

JUL 10 1972



HART COUNTY, GEORGIA

1112th DIST., G.M.

SURVEYED MAY 31, 1972

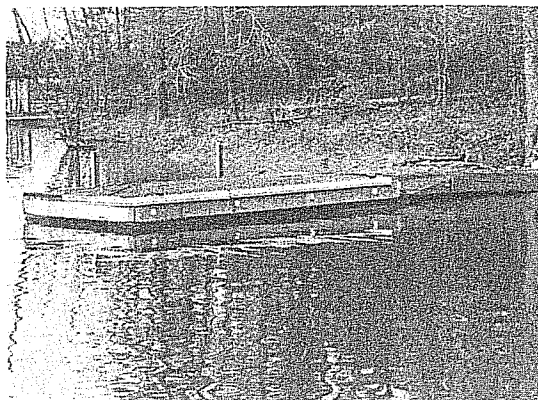
SCALE

1" = 40'

A. M. Britt

Summary

Parcel Number I56K 018
Location Address 062 043 014 0
Legal Description LOT 13 HERRING S/D
 (Note: Not to be used on legal documents)
Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
Tax District COUNTY (District 01)
Millage Rate 19.27
Acres 0.69
Homestead Exemption No (S0)
Landlot/District C /

[View Map](#)


Owner

BOWERS GEORGE W
 5985 MT OLIVET RD
 HARTWELL, GA 30643

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	CLS D HERRING C	Lot	0	100	0	0.69	1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Dock	1980	6x12 / 0	0	\$828

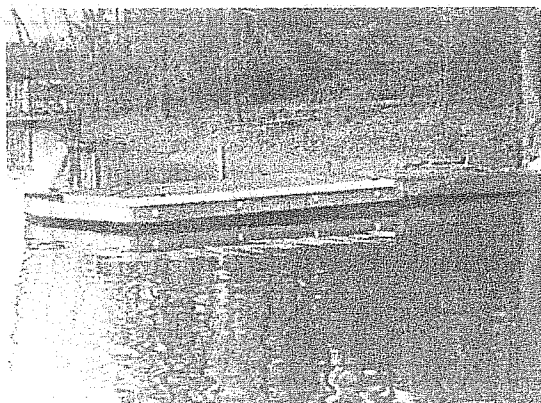
Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
1/18/2006	544 254	21 102	\$127,000	LAND MARKET	SHREVE DONALD M	BOWERS GEORGE W
10/1/1973	0012000642		\$11,000	XV		

Valuation

	2020	2019	2018	2017	2016
Previous Value	\$102,828	\$102,828	\$102,000	\$97,000	\$97,000
Land Value	\$110,000	\$102,000	\$102,000	\$102,000	\$97,000
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$828	\$828	\$828	\$0	\$0
= Current Value	\$110,828	\$102,828	\$102,828	\$102,000	\$97,000

Photos



No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits, Sketches.

The Hart County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.
[User Privacy Policy](#)
[GDPR Privacy Notice](#)



Last Data Upload: 8/31/2020, 6:39:23 AM

Version 2.3.81

CITY OF HARTWELL
456 E. HOWELL ST.
HARTWELL, GA 30643

E: 08/31/2020 RECEIPT#: 024702

JNT: 300.00

MENT METHOD: CHECK

CK#: 4496

EIVED FROM: GEORGE BOWERS

RIPTION: ZONING FEES

RECEIVED BY: LEE



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 E Nomination of Mike Adams to Serve on Region II EMS Advisory Council

On September 1, 2020 I officially promoted Mike Adams to EMS Director. He assumed the duties that day. Because of staffing and to give Mike time to get his Supervisor spot filled he will remain on his 24-hour shift until October 1, 2020 he will then move to the salaried position.

Along with the responsibilities of the position is the serving on the State Regional EMS Advisory Council. This requires him to be nominated by the BOC.

The request is to authorize the Chairman to sign the nomination form.



MEMORANDUM

Terrell Partain,
County Administrator
September 4, 2020

RE: Item 13 F New State Requirements Involving Temporary Food Service Permitting for County Sponsored and or Non-Profit Sponsored Events in the Unincorporated area of County

With the signing into law of SB345 there are new State regulations concerning the permitting of food service for Government and Non-profit group sponsored events.

Up until now we have been able to leave all permitting of temporary food service in the hands of the Health Department. This law and new purposed DHR rule changes will put that responsibility on the Local governments, both County and Cities.

From my conversations with the local Health Department Inspector This pertains not only to events such as a "County" cookout, etc. but any short-term, (120 hours or less) event sponsored by any Non-profit group that will be serving food to the public. We can request the services of the Health Department Inspector to perform the actual inspection of the vendor at a set rate but the actual permitting must come from the local government, either County or City depending which jurisdiction the event will be held.

Attached is all the material I have received on this.



Hart County Health Department • District 2 Public Health
Pamela Logan, M.D., MPH, M.A., Health Director
64 Reynolds Street • Hartwell, Georgia 30643-1169
PH: 706-376-5117 • FAX: 706-376-5011 • www.phdistrict2.org

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

September 3, 2020

Hart County
Attn: Terrell Partain

RE: Non-Profit Temporary Food Service Events
REPLY REQUESTED BY Lillie Sherman

To Whom It May Concern:

The purpose of this letter is to inform you of a new law related to food safety for temporary non-profit events. Each year in Georgia, communities around the state have various nonprofit events involving the sale and service of food. Senate Bill 345 was recently signed into law by Governor Brian Kemp amending Article 14, relating to nonprofit food sales and food service. The amendment changes the responsibility of the County Board of Health as it relates to permitting vendors at temporary nonprofit events. As amended in O.C.G.A. §26-2-391, a county or municipality is authorized to issue permits for the operation of nonprofit food sales and food service at events sponsored by the county, municipality, or an organization. For any permit issued pursuant to this Code section to be valid, the event must be held on property belonging to the sponsoring county, municipality, or organization or on the property of a party that has provided consent for use of such property for such event. A permit shall be valid for:

- (1) A period of up to 120 consecutive hours or less and another permit shall not be issued to the organization holding such permit until five days have elapsed from the date of the expiration of the permit; OR
- (2) A continuous period of up to 12 weeks between May 15 and August 15 and four additional weeks during the calendar year, which may be composed of nonconsecutive periods, coinciding with holidays during which local school systems are not in session, provided that all food items are provided free of charge and the organization does not receive funding from the United States Department of Agriculture to operate a food program.

The law specifies the food safety standards that must be met to protect the public's health. Additionally, the county or municipality may request the County Board of Health provide supplementary educational materials regarding food safety to the vendors and/or the public at such events. A food safety inspection may be conducted by the County Environmental Health Office only upon request from the county or municipality issuing the permit. A reasonable fee may be charged to the temporary nonprofit food vendor by the County Board of Health at cost for the inspection.

For your review and reference, please find enclosed a copy of the current law and associated factsheet titled Frequently Asked Questions About Nonprofit Foodservice Events.

Please complete the following information and return to the Health Department by 09/11/2020.

County/Municipality Name: _____

Manager/Authorized Agent: _____

Contact Phone Number: _____

Hart County wishes to request the County Board of Health perform inspections of food service operations at temporary events permitted pursuant to OCGA 26-2-391, which are sponsored by the county or a non-profit organization.

Manager/Authorized Agent Signature

Date

Senate Bill 345

By: Senators Kirkpatrick of the 32nd, Tippins of the 37th, Rhett of the 33rd and Jordan of the 6th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
2 standards, labeling, and adulteration of food, so as to provide for nonprofit organizations to
3 prepare and provide food in accordance with Department of Public Health requirements; to
4 revise the definitions of "food sales establishment" and "food service establishment"; to
5 revise provisions relating to permits for nonprofit food sales and food service; to revise
6 requirements for food items prepared by nonprofit organizations; to eliminate the right to
7 appeal to the commissioner of public health for orders or actions of a county board of health
8 or district health director; to correct a cross-reference; to provide for related matters; to
9 provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
13 labeling, and adulteration of food, is amended by revising paragraph (5) of subsection (a) of
14 Code Section 26-2-21, relating to definitions relative to the "Georgia Food Act," as follows:

15 "(5) 'Food sales establishment' means retail and wholesale grocery stores; retail seafood
16 stores and places of business; food processing plants, except those food processing plants
17 which are currently required to obtain a license from the Commissioner under any other
18 provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores or roadside
19 stands; wholesale sandwich and salad manufacturers, including vending machines and
20 operations connected therewith; and places of business and similar establishments,

21 ~~mobile or permanent, engaged in the sale of food primarily for consumption off the~~
22 ~~premises. Within a food sales establishment, there may be a food service component, not~~
23 ~~separately operated, which may serve customers on site. This food service component~~
24 ~~shall be considered as part of the food sales establishment. This term shall not include:~~

25 ~~(A) The food sales component of any food service establishment defined in Code~~
26 ~~Section 26-2-370; shall not be included in this definition. This term shall not include~~

- 27 (B) Food service establishments 'food service establishments' as defined in Code
 28 Section 26-2-370; ~~This term also shall not include~~
 29 (C) Establishments establishments engaged in the sale of food primarily for
 30 consumption off the premises if such sale is an authorized part of and occurs upon the
 31 site of a fair or festival which:
 32 ~~(A)(i) Is sponsored by a political subdivision of this state or by an organization~~
 33 ~~exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or~~
 34 ~~under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section~~
 35 ~~501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;~~
 36 and
 37 ~~(B)(ii) Lasts 120 hours or less; and~~
 38 ~~(C) When sponsored by such an organization, is authorized to be conducted pursuant~~
 39 ~~to a permit issued by the municipality or county in which it is conducted.~~
 40 (D) Establishments ~~This term also shall not include establishments~~ engaged in the
 41 boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state,
 42 provided that such bottles contain a label listing the producer's name and street address,
 43 all added ingredients, and the net weight or volume of the product; or
 44 (E) Nonprofit food sales and food service provided under a permit issued pursuant to
 45 Article 14 of this chapter."

46 SECTION 2.

- 47 Said chapter is further amended by revising division (1)(B)(iv) of Code Section 26-2-62,
 48 relating to the "Georgia Meat Inspection Act," as follows:
 49 "(iv) If it bears or contains any color additive which is unsafe within the meaning of
 50 Section ~~706~~ 721 of the Federal Food, Drug, and Cosmetic Act; or"

51 SECTION 3.

- 52 Said chapter is further amended by Code Section 26-2-370, relating to definitions relative to
 53 food service establishments, as follows:
 54 "26-2-370.
 55 As used in this article, the term:
 56 (1) 'Food nutrition information' means the content of food including, but not limited to,
 57 the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin,
 58 mineral, and sodium content.
 59 (2) 'Food service establishment' means establishments for the preparation and serving of
 60 meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either
 61 for carry out or service within the establishment. ~~The~~ This term includes restaurants;

62 coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places
 63 which retail sandwiches or salads; soda fountains; institutions, both public and private;
 64 food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar
 65 facilities by whatever name called. Within a food service establishment, there may be a
 66 food sales component, not separately operated. This food sales component shall be
 67 considered as part of the food service establishment. This term shall not include:

68 (A) A food sales establishment, a 'food sales establishment,' as defined in Code Section
 69 26-2-21, except as otherwise stated in this definition: paragraph:

70 (B) The food service component of any food sales establishment defined in Code
 71 Section 26-2-21; shall not be included in this definition. This term shall not include

72 (C) Any any outdoor recreation activity sponsored by the state, a county, a
 73 municipality, or any department or entity thereof, any outdoor or indoor (other than
 74 school cafeteria food service) public school function, or any outdoor private school
 75 function;--Such term shall also not include

76 (D) Any any organization which is operating on its own property or on the property of
 77 a party that has provided written consent for the use of such property for such purpose
 78 and which is exempt from taxes under paragraph (1) of subsection (a) of Code Section
 79 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of
 80 Section 501(c) of the Internal Revenue Code for the purpose of operating a house or
 81 other residential structures where seriously ill or injured children and their families are
 82 provided temporary accommodations in proximity to their treatment hospitals and
 83 where food is prepared, served, transported, or stored by volunteer personnel;--This
 84 term also shall not mean

85 (E) Establishments establishments for the preparation and serving of meals, lunches,
 86 short orders, sandwiches, frozen desserts, or other edible products if such preparation
 87 or serving is an authorized part of and occurs upon the site of an event which:

88 (A)(i) Is sponsored by a political subdivision of this state or by an organization
 89 exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or
 90 under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section
 91 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

92 (B)(ii) Is held on the property of such sponsor or on the property of a party that has
 93 provided written consent for use of such property for such event; and

94 (C)(iii) Lasts 120 hours or less; and or

95 (D) When sponsored by such an organization, is authorized to be conducted pursuant
 96 to a permit issued by the municipality or county in which it is conducted.

97 (F) Nonprofit food sales and food service provided under a permit issued pursuant to
 98 Article 14 of this chapter.

99 (3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or
100 association, or combination thereof."

101 **SECTION 4.**

102 Said chapter is further amended by revising Article 14, relating to nonprofit food sales and
103 food service, as follows:

104 "26-2-390.

105 As used in this article, the term:

106 (1) 'Nonprofit food sales and food service' means the temporary sale or service of food
107 items by an organization at an event sponsored by a county, municipality, or organization
108 or the temporary sale of food items by an organization if such sale is sponsored by a
109 religious, charitable, or nonprofit corporation, including but not limited to churches,
110 schools, clubs, lodges, or other such organizations.

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

115 26-2-391.

116 (a) A county or municipality shall be authorized to issue permits for the operation of
117 nonprofit food sales and food service at events sponsored by the county, municipality, or
118 an organization; ~~provided, however, that the county or municipality may delegate the~~
119 ~~authority to issue such permits to the county board of health.~~ For any permit issued
120 pursuant to this Code section to be valid, the event must be held on property belonging to
121 the sponsoring county, municipality, or organization or on the property of a party that has
122 provided written consent for use of such property for such event.

123 (b) A permit shall be valid for:

124 (1) A a period of up to 120 consecutive hours or less and another permit shall not be
125 issued to the organization holding such permit until five days have elapsed from the date
126 of the expiration of the permit; or

127 (2) A continuous period of up to 12 weeks between May 15 and August 15 and four
128 additional weeks during the calendar year, which may be composed of nonconsecutive
129 periods, coinciding with holidays during which local school systems are not in session,
130 provided that all food items are provided free of charge and the organization does not
131 receive funding from the United States Department of Agriculture to operate a food
132 program.

133 (c) At the request of the county or municipality issuing a permit pursuant to this Code
134 section or at the request of a county or municipality sponsoring an event pursuant to
135 subparagraph (a)(5)(C) of Code Section 26-2-21 or subparagraph (2)(E) of Code Section
136 26-2-370, the county board of health shall:

137 (1) Supply educational materials regarding food safety which may be provided to event
138 organizers and the public; and

139 (2) Conduct food safety inspections to ensure compliance with the provisions of Code
140 Section 26-2-392.

141 (d) No fees shall be charged to an organization for the issuance of any such permit
142 pursuant to this Code section; provided, however, that the county board of health shall be
143 authorized to impose a fee for inspections performed at the request of the issuing county
144 or municipality. Such fee shall be fixed in a reasonable amount such that the proceeds of
145 the fee do not exceed the total direct and indirect costs of conducting the inspection.

146 (e) For purposes of this Code section, an event may include the provision of food at a
147 third-party location within the same county.

148 26-2-392.

149 (a) This Code section applies to food items prepared and offered for sale or service by
150 organizations at events covered under this article. Food shall be in sound condition, free
151 from spoilage, filth, or other contamination and shall be safe for human consumption.
152 Food shall be obtained from sources that comply with all laws relating to food and food
153 labeling. The use of food in hermetically sealed containers that was not prepared in a
154 licensed food processing establishment is prohibited.

155 (b) At all times, including while being stored, prepared, displayed, served, or transported,
156 food shall be protected from potential contamination, including dust, insects, rodents,
157 unclean equipment and utensils, unnecessary handling, flooding, drainage, and overhead
158 leakage or overhead drippage from condensation. ~~The temperature of potentially~~
159 ~~hazardous food shall be either 45 degrees Fahrenheit or below or 140 degrees Fahrenheit~~
160 ~~or above at all times.~~

161 (c) Meat, poultry, seafood, and other animal products shall be cooked to at least the safe
162 minimum cooking temperatures recommended by the United States Department of
163 Agriculture. No raw or undercooked animal products shall be served.

164 ~~(c)~~(d) Time/temperature control for safety foods to be served at an event shall be
165 maintained at 41 degrees Fahrenheit or less if held cold or 135 degrees Fahrenheit or more
166 if held hot. A thin probe thermometer shall be used to check temperatures of such foods.
167 The preparation of the following ~~potentially hazardous~~ time/temperature control for safety
168 foods is prohibited unless the organization has an established hazard control program:

- 169 (1) Pastries filled with cream or synthetic cream;
170 (2) Custards;
171 (3) Products similar to the products listed in paragraphs (1) and (2) of this subsection;
172 or
173 (4) Salads containing meat, poultry, eggs, or fish.
- 174 ~~(d)~~(e) Frozen desserts shall only be produced using commercially pasteurized mixes or
175 ingredients.
- 176 ~~(f)~~ Suitable utensils, as needed for serving, must be provided to eliminate ~~hand~~ bare-hand
177 contact with the cooked product or ready-to-eat foods. All utensils and equipment shall be
178 cleaned washed, rinsed, and sanitized periodically as necessary to prevent contamination
179 or a buildup of food, using separate basins for washing, rinsing, and sanitizing. Disposable
180 utensils may be utilized to meet such requirement.
- 181 ~~(e)~~(g) Ice that is consumed or that contacts food shall be from an approved source and
182 protected from contamination until used. Ice used for cooling stored food shall not be used
183 for human consumption. Food shall be served in an individual-meal type of container and
184 handed to the customer. Food items shall not be transported for sale at any other location
185 or sold, held, or reused at another event.
- 186 ~~(f)~~(h) A convenient handwashing facility shall be available for ~~employee handwashing use~~
187 by individuals preparing and serving food. This facility shall consist of, at least, warm
188 running water, soap, and individual paper towels. Individuals who prepare or serve food
189 shall not make bare-hand contact with ready-to-eat food. Individuals who have a known
190 communicable or transmittable disease, as defined by the Department of Public Health for
191 these purposes, shall not prepare or serve food at an event.
- 192 ~~(g)~~(i) This Code section shall in no way be construed to allow the sale of food items which
193 have been packaged, bottled, or canned in unapproved facilities. Food items prepared in
194 private homes are prohibited; provided, however, that this shall not apply to any food item
195 produced in compliance with a license issued by the Department of Agriculture pursuant
196 to Article 2 of this chapter.
- 197 ~~(h)~~(j) County boards of health are authorized to provide staff assistance to organizations
198 at events covered under this article for the purpose of providing food safety instruction.
- 199 ~~(k) Nothing in this Code section shall prohibit an organization from using an offsite~~
200 kitchen to prepare food for an event permitted under this article, so long as the offsite
201 kitchen complies with the provisions of this Code section.
- 202 26-2-393.
- 203 ~~(a)~~ The county or municipality issuing a permit for the operation of a nonprofit food sales
204 and food service event shall be authorized to enforce the provisions of this article and any

205 party whose property is used for the operation of a nonprofit food sales or food service
206 event without such party's ~~written authorization~~ consent may seek legal and equitable
207 remedies including, but not limited to, damages and injunctive relief against unauthorized
208 users.

209 ~~(b) Any organization which is aggrieved or adversely affected by any final order or action~~
210 ~~of a county board of health or district health director may have review thereof by appeal~~
211 ~~to the commissioner of public health or his or her designee. Appeals to the commissioner~~
212 ~~shall be heard after not more than eight hours."~~

213 **SECTION 5.**

214 This Act shall become effective upon its approval by the Governor or upon its becoming law
215 without such approval.

216 **SECTION 6.**

217 All laws and parts of laws in conflict with this Act are repealed.



FREQUENTLY ASKED QUESTIONS ABOUT NONPROFIT FOOD SERVICE EVENTS

Each year in Georgia, communities around the state have various events, programs, fairs, and festivals sponsored by nonprofit organizations involving food service. *Food vendors are not regulated by the local health department at these events.* The county or municipality may request the local health department conduct food safety inspections to ensure the provisions of the nonprofit law are being followed.

Q: What is considered a nonprofit food service?

A: 'Nonprofit food sales and food service' means the temporary sale or service of food items by an organization at an event sponsored by a county, municipality, 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.

Q: What is considered an "organization" for the purposes of a nonprofit food service?

A: '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.

Q: Are there any other types of food service or food sales operations that do not require a food service permit from the local health department?

A: Yes. The following types of operations *do not require* a food service permit from the local health department:

1. Establishments engaged in the boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain a label listing the producer's name and street address, all added ingredients, and the net weight or volume of the product;
2. Any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;
3. Any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is 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 for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to

- their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;
4. Establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:
 - a. Is sponsored by a political subdivision of this state
 - b. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event and;
 - c. Lasts 120 hours or less; OR
 5. Nonprofit food sales and food service provided under a permit issued pursuant to Article 14 under O.C.G.A §26-2-391.

Q: If the local health department is not required to issue a permit for a nonprofit event, who is responsible for issuing a permit?

A: A county or municipality shall be authorized to issue permits for the operation of nonprofit food sales and food service at events sponsored by the county, municipality, or an organization. The event must be held on property belonging to the sponsoring county, municipality, or organization or on the property of a party that has provided consent for use of such property for such event.

Q: Is there a time limit on the event?

A: Yes. A permit shall be valid for:

1. A period of up to 120 consecutive hours and another permit shall not be issued to the organization holding such permit until five days have elapsed from the date of the expiration of the permit; OR
2. A continuous period of up to 12 weeks between May 15 and August 15 and four additional weeks during the calendar year, which may be composed of nonconsecutive periods, coinciding with holidays during which local school systems are not in session, provided that all food items are provided free of charge and the organization does not receive funding from the United States Department of Agriculture to operate a food program.

Q: Is there a cost for the permit?

A: No. However, the county or municipality may request that the local health department conduct a food safety inspection on its behalf. A reasonable, at cost fee may be charged to the vendor for the inspection.

Q: Are there any specific requirements for serving or selling food at a nonprofit event in Georgia?

A: Yes. All of the items listed below must be met in order to serve or sell food at a nonprofit event:

- No food that is prepared in a home kitchen can be served (unless someone has a cottage food license and they are serving food according to the requirements of that license). Food shall be from an approved source.
- 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.
- Time/Temperature Control for Safety (TCS) foods shall be maintained at temperatures of either 41°F or below or 135°F or higher.
- The preparation of the following TCS foods is prohibited unless the organization has an established hazard control program: Pastries filled with cream or synthetic cream, custards or similar products; or salads containing meat, poultry, eggs, or fish.
- Suitable utensils, as needed for serving, must be provided to eliminate bare-hand contact with the cooked or ready-to-eat foods. All utensils and equipment shall be washed, rinsed, and sanitized periodically as necessary to prevent contamination or a buildup of food, using separate basins for washing, rinsing, and sanitizing. Disposable utensils may be utilized to meet such requirement.
- There must be a thin probe thermometer available to check food temperatures.
- Meat, poultry, seafood, and other animal products shall be cooked to at least the safe minimum cooking temperatures recommended by the United States Department of Agriculture. No raw or undercooked animal products shall be served.
- Frozen desserts shall only be produced using commercially pasteurized mixes or ingredients.
- Ice that is consumed or that comes in contact with food shall be from an approved source 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.
- A convenient handwashing facility shall be available for use by individuals preparing and serving food. This facility shall consist of, at least, warm running water, soap, and individual paper towels. Individuals who prepare or serve food shall not make bare-hand contact with ready-to-eat food. Individuals who have a known communicable or transmittable disease, as defined by the Department of Public Health for these purposes, shall not prepare or serve food at an event.
- Nothing in this Code section shall prohibit an organization from using an offsite kitchen to prepare food for an event permitted under this article, so long as the offsite

kitchen complies with the provisions of this Code section. (Ex: offsite kitchen would be something like church kitchen.)

Q: Are there any training resources available for those participating in charitable feeding programs?

A: Yes! State Food Safety company has created a [free online training module](#) for those engaged in charitable or disaster feeding. You can also contact your [local Environmental Health office](#) for Information on handling food safely at a nonprofit event.



Kathleen E. Toomey, M.D., M.P.H., Commissioner

Brian Kemp, Governor

2 Peachtree Street, NW, 15th Floor
Atlanta, Georgia 30303-3142

dph.ga.gov

August 14, 2020

NOTICE OF PROPOSED RULEMAKING

Revisions to Chapter 511-6-1 “Food Service”

The Department of Public Health proposes the attached amendments to Rule 511-6-1-.01, “Definitions”; and Rule 511-6-1-.08, “Special Food Service Operations,” pursuant to its authority under Georgia Code Sections 31-2A-6 and 26-2-373.

The purpose of the proposed rulemaking is to update definition of food service establishment to exclude nonprofit food sales and food service. This update is required following the enactment of Senate Bill 345 on August 5, 2020.

The proposed amendments have been posted to the Department’s website at <https://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

Megan K. Andrews
Director of Government Relations
Georgia Department of Public Health
2 Peachtree Street, NW, 15th Floor
Atlanta, Georgia 30303
megan.andrews@dph.ga.gov

Written comments must be submitted on or before September 15, 2020. Due to the COVID-19 pandemic and public health emergency, there will not be a physical in-person meeting, however, oral comments may be presented via phone at a public meeting scheduled for 11:00 a.m. on September 9, 2020. To join the public meeting:

Join Online

Link: <https://gdph.webex.com/gdph/j.php?MTID=mf436e578f67204b069a9169371a812d9>

Meeting number: 129 786 9651

Password: eyURmYZ@362 (39876991 from phones)

Join by Phone

+1-408-418-9388 United States Toll

Access code: 129 786 9651

The Commissioner of Public Health will consider the proposed rules for adoption on or about September 16, 2020, to become effective on or about October 19, 2020.

A handwritten signature in black ink, appearing to read 'Megan K. Andrews', written over a horizontal line.

Megan K. Andrews
Director of Government Relations
Georgia Department of Public Health

**RULES OF THE
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-6-1
FOOD SERVICE**

511-6-1-.01 Definitions

511-6-1-.08 Special Food Service Operations

511-6-1-.01 Definitions.

(1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.

(2) **"Adulterated"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

(5) **" a_w "** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .

(6) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(7) **"Base of Operation"** means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, "pop-up" food service operation, or catering food service establishment operates.

(8) **"Beverage"** means a liquid for drinking, including water.

(9) **"Bottled drinking water"** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(10) **"Casing"** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(11) **"Catering operation"** means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(12) **"Catering food service establishment"** means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(13) **"Certification"** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(14) **"Certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(15) **"Certified food safety manager (CFSM)"** means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(16) **"CFR"** means Code of Federal Regulations.

(17) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(18) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3f.

(19) **"Commingle"** means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

(20) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(21) **"Conditional employee"** means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(22) **"Confirmed disease outbreak"** means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(23) **"Consumer"** means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(24) **"Core item"** means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(25) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(26) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(27) **"County board of health"** means a Board of Health established pursuant to O.C.G.A. § 31-3-1.

(28) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(29) **"Critical item"** means a provision of this Chapter, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.

(30) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(31) **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

(32) **"Dealer"** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

(33) **"Department"** means the Georgia Department of Public Health.

(34) **"Disclosure"** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(35) **"District Standard Trainer"** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk-based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Office.

(36) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(37) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

(38) **"Easily cleanable"** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.)

(39) **"Easily movable"** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(40) **"Egg"** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(41) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(42) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(43) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(44) **"EPA"** means the U.S. Environmental Protection Agency.

(45) **"Equipment"** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(46) **"Exclude"** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(47) **"Extended food service unit"** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(48) **"Extensively remodeled"** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting

construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include

minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(49) **"Facilitator"** means a third-party entity which manages "pop-up" food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard

(50) **"FDA"** means the U.S. Food and Drug Administration

(51) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner

(52) **"Fixed food service establishment"** means a permitted food service establishment that is not mobile.

(53) **"Follow-up inspection"** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection

(54) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum

(55) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1)

(56) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food

(57) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food

(58) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces

(59) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment

(60) **"Food service establishment"** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. ~~The~~ This term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include the following:

(a) a "food sales establishment" as defined in the O.C.G.A. Section 26-2-21 and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise stated in this definition paragraph.

~~(b)~~ (c) The food service component of any food sales establishment defined in O.C.G.A. Section 26-2-21 ~~shall not be included in this exception~~;

~~(b)~~ (c) any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

~~(e)~~ (d) any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

~~(d)~~ (e) establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state ~~or by an organization exempt from taxes under of O.C.G.A. Section 48-7-25(a)(1) 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 O.C.G.A. Section 48-1-2;~~

2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

3. Lasts 120 hours or less; and or

~~4. When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.~~

(f) nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A 26-2-391.

(61) **"Food service manager"** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(62) **"Food vending location"** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location

(63) "**Game animal**" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites

(64) "**General public**" means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include

(a) residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) guests in private homes; or

(c) participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(65) "**General use pesticide**" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175, Pesticides classified for restricted use

(66) "**Grade A standards**" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which governs certain fluid and dry milk and milk product.

(67) "**HACCP plan**" means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods

(68) "**Handwashing sink**" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility

(69) "**Hazard**" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(70) "**Health Authority**" means the Department, or a County Board of Health acting as its agent.

(71) "**Health practitioner**" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(72) "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(73) "**Highly susceptible population**" means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(74) **"Imminent health hazard"** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(75) **"Incubator food service establishment"** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A.** A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food

service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B.** A business relationship in which incubates/members operate within build-out units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis

(76) **"Incubatee/Member"** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(77) **"Initial inspection"** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(78) **"Injected"** means manipulating meat by introducing a solution into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping

(79) **"Juice"** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(80) **"Kitchenware"** means food preparation and storage utensils. It does not include tableware.

(81) **"Key Drop Deliveries"** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(82) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(83) **"Limited food preparation"** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(84) "**Linens**" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves

(85) "**Major food allergen**" means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a food ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(86) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game *animals*.

(87) "**Mechanically Tenderized**" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device. It does not include processes by which solutions are injected into meat.

(88) "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(89) "**Mobile catering unit**" means a trailer, pushcart, vehicle vendor or any other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(90) "**Mobile food service establishment**" means one or more mobile food service units operating from a single base of operation and under the managerial authority of one permit holder.

(91) "**Mobile food service unit**" means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(92) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle

(93) "**Non-continuous cooking**" means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(94) "**Packaged**" means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(95) "**Permit**" means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(96) "**Permit holder**" means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(97) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(98) **"Person in charge"** means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(99) **"Personal care items"** means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(100) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(101) **"Physical facilities"** means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(102) **"Plumbing fixture"** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(103) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(104) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(105) **"Pop-up food service operation"** means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(106) **"Poultry"** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1, Poultry Products Inspection Regulations Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1, Voluntary Poultry Inspection Regulations Definitions.

(107) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(108) "**Preparation of food**" means to put together or make by combining ingredients and processing food for final service.

(109) "**Primal cut**" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(110) "**Priority item**" means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P-^P.

(111) "**Priority foundation item**" means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf - ^{Pf}.

(112) "**Public water system**" has the meaning stated in 40 CFR 141, National Primary Drinking Water Regulations.

(113) "**Pushcart**" means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(114) "**Ratite**" means a flightless bird such as an emu, ostrich, or rhea.

(115) **Ready-to-Eat Food** means food that is in a form that is edible without additional preparation to achieve food safety, or is a raw or partially cooked animal food and the consumer is advised, or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

(a) Raw animal food that is cooked as specified under DPH Rule 511-6-1-.04(5)(a) or (b) or frozen as specified under DPH Rule 511-6-1-.04(5)(e);

(b) Raw fruits and vegetables that are washed;

(c) Fruits and vegetables that are cooked for hot holding;

(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;

(e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(i) Foods manufactured as specified in 21CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(116) **"Reduced Oxygen Packaging"** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which

the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(117) **"Refuse"** means solid waste that is not carried by water through the sewage system.

(118) **"Reminder"** means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(119) **"Re-service"** means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(120) **"Restrict"** means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(121) "**Restricted egg**" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(122) "**Restricted use pesticide**" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(123) "**Risk**" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(124) "**Routine inspection**" means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(125) "**Safe material**" means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in Sections 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(126) "**Sanitization**" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(127) "**Sealed**" means free of cracks or other openings that allow the entry or passage of moisture.

(128) "**Service animal**" means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(129) "**Servicing area**" means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(130) "**Sewage**" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(131) "**Shellfish certification number**" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(132) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(133) **"Shellstock"** means raw, in-shell molluscan shellfish.

(134) **"Shiga toxin – producing Escherichia coli" (STEC)** means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(135) **"Shucked shellfish"** means molluscan shellfish that have one or both shells removed.

(136) **"Single-service articles"** means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(137) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(138) **"Slacking"** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(139) **"Smooth"** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(140) **"Special food service operation"** means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a "pop-up" food service operation, a catering food service establishment, or an incubator food service establishment.

(141) **"State Office Standard-Trainer"** means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program Director to train and standardize district appointed environmental health specialist to become District Standard Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(142) **"Table-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(143) **"Tableware"** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(144) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(145) "Temporary food service establishment" means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(146) "Time/Temperature Control for Safety Food (formerly "potentially hazardous food" or "PHF")

(a) "Time/temperature control for safety food" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) "Time/temperature control for safety food" includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that

they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its AW and PH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
<0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA
* TCS food means Time/Temperature Control for Safety food			
** PA means Product Assessment required			

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
a_w values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA
* TCS food means Time/Temperature Control for Safety food				
** PA means Product Assessment required				

(c) "Time/temperature control for safety food" does not include:

1. An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;
2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. A food that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-TCS food in Table A or B of this definition;
4. A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - (ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as Reduced Oxygen Packaging, shelf life and use, or temperature range of storage and use, or
 - (iii) A combination of intrinsic and extrinsic factors; or
5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(147) "USDA" means the U.S. Department of Agriculture.

(148) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(149) "Variance" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(150) "Vehicle Vender" means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage, designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The majority of food is processed, packaged in individual portions and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(151) "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(152) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(153) **"Warewashing"** means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(154) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Authority: O.C.G.A. Sec. 31-2A-6, 26-2-373. Administrative History. Original Rule entitled "Purpose" was filed and effective on July 19, 1965 as 270-5-6-.01. Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.01. Filed June 10, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.01 Definitions revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.01 Definitions revised. Filed October 1, 2018; effective October 21, 2018.

511-6-1-.08 Special Food Service Operations.

(1) Mobile Food Service Units and Extended Food Service Units.

(a) Compliance Required. Mobile food service units and extended food service units shall comply with the requirements of this Chapter, except as otherwise provided in this subsection and as specified under subsection (1)(b) of this Rule. ^{Pf} After review of a proposed menu, plans and specifications, and the proposed method of operation, the Health Authority may:

1. Impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation;
2. Prohibit the sale of some or all time/temperature control for safety food, or
3. When no health hazard will result, modify requirements of this Rule relating to physical facilities, except those requirements specified under subsections (1)(e) and (f) of this Rule.

(b) Exceptions to Compliance for Mobile and Extended Food Service Units.

1. General. Mobile food service units, such as vehicle vendors, and extended food service units may be exempt from the requirements of this Chapter pertaining to the necessity of water and sewage systems and to those requirements pertaining to the cleaning and sanitization, if the following conditions are met:

- (i) The required equipment for cleaning and sanitization exists at their permitted base of operation;^{Pf} and
- (ii) Menus shall be limited to food that is prepared, prepackaged and labeled in individual servings, transported and stored; or

(iii) Beverages that are not time/temperature control for safety foods that are dispensed from covered urns or other protected equipment all under conditions meeting the requirements of the Chapter. ^P

2. Pushcarts. Push carts may be exempted from the requirements of subsection (1)(g)1 of this Rule if the following conditions for push carts are met:

(a) The menu shall be limited to only service of commercially prepared and prepackaged time/temperature control for safety foods such as frankfurters, precooked encased sausages, and similar approved foods requiring heating only; ^P

(b) All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, using food shields or other effective barriers. Condiments must be dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources of contamination; ^P

(c) No cooking equipment shall be allowed at the food vending location of carts. Heating equipment will be limited to steam or hot water heating equipment that meets the requirements of this Chapter; ^{Pf}

(d) At a minimum, overhead protection such as an umbrella large enough to fully cover and protect the entirety of the cart, employee and any cart associated equipment such as food storage, handwashing, etc., shall be provided for the cart's onsite operation; ^{Pf}

(e) Properly installed and equipped handwashing facilities meeting the requirements of this Chapter must be installed on carts. Potable hot and cold running water under pressure with suitable hand cleaner, dispensed paper towels, and a waste receptacle must be provided at or near the handwashing facility; ^{Pf} However, certified commercially manufactured, portable hand washing stations may be allowed for onsite operational use with the cart upon approval by the Health Authority.

(f) With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use with sufficient ice for cold time/temperature control for safety foods and NSF listed; ^{Pf}

(g) In use equipment and utensils must be cleaned and sanitized at least every 4 hours; therefore, carts shall be equipped with at least a 3-compartmented sink dedicated for the purpose of cleaning and sanitizing of equipment and utensils. However, in lieu of the 3-compartmented sink being installed on the cart and as deemed acceptable by the Health Authority, the permit holder may provide a an adequate supply of clean and sanitized equipment and utensils stored in such a way on the cart so as to protect them from contamination, if the required equipment for cleaning and sanitization exists at its base of operation; ^{Pf}

(h) Pushcarts must be designed, constructed and built to at least NSF Standard 59; ^{Pf} and

(i) Pushcarts must be supplied with one day's operational supply of hot and cold potable water under pressure and waste water storage capacity of 15% larger than that of the potable water tank. The potable water storage tank shall have at least 10 gallons storage capacity and may be required by the Health Authority to have a larger storage volume depending on length of time in which the cart is used away from the base of operation. ^P

(j) Stored food, utensils and equipment, single-service and single-use supplies, and hand washing supplies shall be protected from environmental contamination during transportation of the Push Cart from location to location. ^{Pf}

(c) Equipment and Supplies Required for Onboard Preparation of more complex menus.

1. Units preparing time/temperature control for safety foods on the unit other than the limited menu items stated within subsection (1)(b) of this Rule shall utilize thermostatically controlled heating, cooling, and freezing equipment for those foods stored or displayed on the unit requiring controlled heating or refrigeration. ^{Pf}

2. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit. ^{Pf}

3. Each unit must have two separate types of sinks, one for hand-washing and the other for warewashing. ^{Pf}

4. Mobile food service units and extended food service units shall provide only individually wrapped single-service articles for use by the consumer. ^{Pf}

(d) Water System.

1. A mobile food service unit and extended food service unit requiring a water system shall have a potable water system as specified under DPH Rule 511-6-1-.06(1), and the water system shall be under pressure.^{Pf}
2. Mobile water tanks and mobile food service unit water tanks shall meet all the requirements specified under DPH Rule 511-6-1-.06(3) as it relates to materials, design, construction, installation, numbers and capacities, and operation and maintenance of these tanks.^{Pf}
3. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this regulation.^{Pf}

(e) Liquid Waste. The sewage holding tanks for all mobile food service units and extended food service units, and all sewage and liquid waste resulting from the operation of a mobile food service unit or extended food service units shall meet the requirements of and be handled as specified under DPH Rule 511-6-1-.06(4)(a), (e), (f), (g), (h) and (i) as it relates to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal.^{Pf}

(f) Operation.

1. A mobile food service unit shall operate from its permitted base of operation and report daily to such location for supplies and cleaning and servicing operations.^P
2. An extended food service unit shall operate as an extension of its permitted base of operation.^P
3. An extended food service unit shall be serviced daily from the base of operation.
4. The base of operation or fixed food service establishment used as a base of operation for mobile food units and extended food service units shall be constructed and operated in conjunction with the mobile food service unit or extended food service unit under the active managerial control of a single permit holder to be in compliance with the requirements of this Chapter.^P
5. Toilet facilities must be available for employee's use and, as applicable, consumer use along the route of food vending locations as per requirements found in DPH Rule 511-6-1-.06(2)(h). In addition and to the satisfaction of the Health Authority, the permit holder must maintain and provide a list of toilet facilities available to the unit food vending locations.^{Pf}
6. When not in use, mobile food service units shall be properly stored at the base of operation or other location approved by the Health Authority.^{Pf}

(g) Construction Based Upon Menu.

1. Units preparing and serving time/temperature control for safety foods other than that stated in subsection (1)(b) of this Rule shall be so constructed that the operator must prepare and serve food from within the protective environment of a fully enclosed area of the unit such as that provided for in a fully enclosed trailer.^P Except that units preparing non-time/temperature control for safety foods such as snow cones and

popcorn shall be constructed so that the food preparation and service areas are protected from potential contamination by means of closable cabinets. ^{Pf}

2. The service area requirements are as follows:

(i) A mobile food service unit servicing area shall be available at its base of operation; except, a servicing area will not be required where only packaged food is placed on the mobile food service unit or where mobile food units do not contain waste retention tanks as stated in subsection (1)(b)1 of this Rule; ^{Pf}

(ii) Except for areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, servicing areas shall be provided with overhead protection; ^{Pf}

(iii) There shall be a location and equipment for the flushing and drainage of liquid wastes separate from the location and equipment provided for water servicing and for the loading and unloading of food and related supplies. ^{Pf} Requirements for sizing and location of equipment for flushing and drainage of liquid wastes and for equipment to provide potable water servicing of units shall be as specified within the most current editions of the Interpretative Manuals as referenced within DPH Rule 511-6-1-.02(8);

(iv) The surface of the servicing area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid and sealed asphalt and shall be maintained in good repair, kept clean, and be graded to drain; and

(v) The construction of the walls and ceilings of the servicing areas is exempted from the provisions of DPH Rule 511-6-1-.07(2)(a) through (f).

(vi) Toilet and handwashing facilities that meet the requirements of this Chapter shall be available for employees at the servicing area. ^{Pf}

(h) Identification.

1. All mobile food service units and extended food service units shall be identified by a sign or lettering indicating the name and address of the owner, the operator and the permit number. Letters and numbers must be at least two inches high.

2. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(i) Food Vending Location.

1. Food vending location requirements are as follows:

(i) Listings for mobile food service unit and extended food service unit food vending locations shall be maintained by the permit holder and shall be provided to the Health Authority. Permit holders shall notify the Health Authority at least 7 days prior to any changes in food vending locations. ^{Pf}

(ii) The operator must provide evidence of legal access and use of the premises for food vending; and

(iii) If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements.

2. Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the Health Authority's discretion to meet lesser

restrictions if sanitation, temperature control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment.

(j) Compliance with Other Regulations. The operation must comply with all applicable regulations and ordinances.^{Pf}

(k) Home Prepared Foods Prohibited. Home prepared foods or condiments may not be sold, served, or used on mobile food service units.^P

(2) Temporary Food Service Establishments.

(a) Operation, Permit Application, Responsibilities.

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.^P

2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event.^{Pf}

3. The following applies to a vendor application:

(i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.

(ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, a list of all menu items and the signature of the applicant.

4. The organizer's responsibility is the following:

(i) Ensure that only vendors permitted by the Health Authority are allowed to participate in the event,^P

(ii) The organizer and property owner must notify the Health Authority 30 days prior to the event taking place and provide a list of food vendors who will be allowed by that organizer to participate in the event.^{Pf}

(iii) Ensure that any unauthorized or unpermitted vendor found participating in an event shall immediately leave the event premises and shall be charged with a violation of this Rule.^P

(b) Inspections.

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.

2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(c) Operations.

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in DPH Rule 511-6-1-.08(2)(a) through (h).^P

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for time/temperature control for safety foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities.^{Pf}

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.^P

(d) Preparation and Service - Time/Temperature Control for Safety Foods – Prohibited Menu Items.

1. Fixed Permitted Food Service Establishments. Any time/temperature control for safety food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served.^P

2. Temporary Onsite Preparation and Service. All food prepared and served onsite of a temporary establishment must comply with the following:

(i) Only those time/temperature control for safety foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served;^P

(ii) Once cooked, time/temperature control for safety foods shall not be touched by employee bare hands and must be maintained at 135°F or higher until served;^P

(iii) Prior to service to the consumer, commercially prepared, precooked, and prepackaged time/temperature control for safety foods may be reheated thoroughly to at least 135°F for 15 seconds;^P and

(iv) Time as a Public Health Control shall not be allowed in a temporary food service establishment.^P

3. Menu Item Prohibition. The preparation or service of the following menu items are prohibited from service onsite of a temporary establishment:

(i) Except for paragraph 2 of this subsection, other ready-to-eat, time/temperature control for safety foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited.^P This prohibition does not apply to any

time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings at 135°F (57°C) or above, or 41°F (5°C) or below in facilities meeting the requirements of this Chapter, and is served directly to the consumer in the unopened container in which it was packaged.^P

(ii) Home prepared foods or condiments may not be sold, served, or used in temporary food service unit establishments.^P

(e) Equipment and Supplies Required.

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing.^P

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter,^P

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture,^P

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination,^P and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited.^P

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer.^{Pf}

5. A heating facility capable of producing enough hot water shall be provided on the premises.^{Pf}

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.^{Pf}

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.^P

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority.^{Pf}

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises. Such systems shall consist of:

(i) a water heater properly sized according to the needs of the establishment as established by interpretative and guidance manuals referenced within DPH Rule 511-6-1-.02(8); ^{Pf} or

(ii) a gas or electric stove or burner with a container of water; ^{Pf} or

(iii) other means as determined by the Health Authority. ^{Pf}

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, a catch bucket, a pressurized or gravity fed supply of warm water, soap, and individual paper towels at the service site. ^{Pf}

(f) Liquid Waste. All sewage including liquid waste shall be disposed of as specified under DPH Rule 511-6-1-.06(4)(h) and (i). ^P

(g) Construction.

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material, and shall be kept clean in good repair.

2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.

3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

4. Air curtains shall be properly designed and installed, and approved by the Health Authority.

5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather. ^{Pf}

6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

(h) Protection from Contamination.

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted. ^{Pf}

2. Counter-service openings shall not be larger than necessary for the particular operation conducted.

3. Counter-service openings shall be provided with effective means to restrict the entrance of flying insects.

4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.

5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices. ^{Pf}

6. Open, unprotected display or service of food is prohibited. ^P

~~(i) Exceptions to Compliance. This Rule shall not apply to temporary food services which:~~

~~1. Are sponsored by a political subdivision of this state or by an organization exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Internal Revenue Code Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(e) of the Internal Revenue Code;~~

~~2. Last 120 hours or less; and~~

~~3. When sponsored by such an organization, is authorized by a permit issued by the municipality or county in which it is conducted.~~

(3) Incubator Food Service Operations. A permit holder or a permit applicant may seek a variance from the provisions in DPH Rule 511-6-1-.02(1)(a)4. in order to operate an incubator food service establishment only if, as an alternative to DPH Rule 511-6-1-.02(1)(a)4., the permit holder or permit applicant provides a written management plan along with the necessary supportive documentation that specifies standard operating procedures (SOP) in detail to the satisfaction of the Health Authority as to how active managerial control of risk-factors and public health interventions for foodborne illness along with maintenance of equipment and facilities will be maintained to the requirements of this Chapter. ^P Incubator food service operations shall comply with other requirements of this Chapter in addition to the requirements of one of the following business models: ^P

(a) Business Model A. The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Plan (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policy, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items: ^P

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: ^P

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; ^P

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; ^P

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. ^P

(ii) Active Managerial Control Plan and SOP. The SOP will contain not less than the following items:

(I) A statement as to the maximum number of incubatees/ members that will use the establishment per day or per shift; ^{Pf}

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; ^{Pf}

(III) A statement as to how incubatees /members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; ^{Pf}

(IV) A statement as to how separation in space and time will be maintained so as no other activities, such as bakery or food processing plant activity, will be conducted at the same time food service operations are being conducted. Separation of time and space may be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; ^{Pf}

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; ^{Pf}

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date and time and temperature of food as it leaves the establishment to when it is delivered to the consumer will be maintained for review upon the request of the Health Authority. Food temperature charts shall be maintained by management within the establishment for no less than 90 days from the date of any event or service; ^{Pf}

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; ^{Pf}

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-14-.02(1)(g). The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 5115-14-.02(1)(g); ^{Pf}

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; ^{Pf}

(X) A list of incubatees/members scheduled for each day must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; ^{Pf}

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; ^P

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. ^{Pf} Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; ^P

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; ^{Pf}

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4) and it must include all employees of the establishment including incubatee/members; ^{Pf}

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; ^{Pf}

(XVI) A written food safety training plan for employees and incubatees/members; ^{Pf} **and**

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(4). ^{Pf}

(b) Business Model B. The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Procedure (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policies, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items: ^P

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: ^P

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; ^P

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; ^P

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. ^P

(ii) Active Managerial Control Plan and SOP. The SOP shall not contain less than the following items:

(I) A statement as to the maximum number of incubatees/ members that will use the individual build out units per day or per shift; ^{Pf}

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; ^{Pf}

(III) A statement as to how incubatees /members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; ^{Pf}

(IV) A statement as to how separation in space or time will be maintained so as to ensure that all food service operations are conducted within each individual incubatee/member's build-out unit. Separation of all activities, such as bakery or food processing plant activity must be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; ^{Pf}

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; ^{Pf}

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date, time, and temperature of food as it leaves the establishment to when it is delivered to the consumer shall be maintained by management for review upon the request of the Health Authority for no less than 6 months from the date of any event or service; ^{Pf}

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; ^{Pf}

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-1-.02(1)(g) The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 5116-1-.02(1)(g); ^{Pf}

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; ^{Pf}

(X) A list of incubatees/members scheduled for each day according to the build-out unit they will use must be maintained at the establishment and made available for review by the Health Authority upon request.

(XI) Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; ^{Pf}

(XII) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; ^P

(XIII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. ^{Pf} Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; ^P

(XIV) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; ^{Pf}

(XV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4) and it must include all employees of the establishment including incubatee/members; ^{Pf}

(XVI) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; ^{Pf}

(XVII) A written food safety training plan for employees and incubatees/members; ^{Pf} and

(XVIII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(4). ^{Pf}

(XIX) Each incubatee/member shall show the incubator food service establishment permit holder proof of a valid permit issued by the Health Authority to a food service facility unit specified in the permit application prior to being allowed access to the specified food service building unit; ^P

(XX) A permit will be valid for one food service build-out unit per incubatee/member and not multiple food service build-out units; ^P and

(XXI) The Health Authority will be notified of food service facility build-out schedule changes.

(4) Catering Food Service Establishments.

(a) Operations.

1. Catering food service establishments shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following: ^P

(I) Catering operations shall be permitted and operated separately from “food sales establishments” as defined in O.C.G.A. Section 26-2-21; and ^{Pf}

(II) For purposes of inspection of the base of operation and upon request by the Health Authority, catering food service establishments shall provide a quarterly schedule of events to be catered. ^{Pf}

2. When the catering operation involves only the preparation and delivery of food to a private party, special event, or motion picture filming location and does not include the handling of tableware and utensils or any preparation, service or restocking of non-prepackaged foods on location at the service site, no hand washing facility is required at the service site. ^{Pf}

3. When the catering operation involves the handling of tableware and utensils and/or the preparation, service, or restocking of non-prepackaged foods on location at the service site, adequate handwashing facilities are required and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and waste receptacle(s) that are available and conveniently located for employees’ use in the areas used for food preparation, food service, and warewashing. ^{Pf}

4. For the duration of the catering operation, all foods, display and service utensils, and other food-contact surfaces shall be adequately protected from dust, weather conditions, insects, and human contamination through the use of walls, ceilings, shields, screens, or other approved barriers or devices. ^{Pf}

5. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material approved by the Health Authority, and shall be kept clean and in good repair.

6. Catered food shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. Such catered food is to be discarded to waste or may be left in the possession of the consumer for which the catered food was contracted. ^P

7. When outdoor cooking equipment is used to prepare food at the service site, such equipment shall be located adjacent to a fully enclosed food preparation area and shall comply with all applicable provisions of law. Cookers, grills, ovens or any other type of equipment used for outdoor cooking shall have a lid or other design approved by the Health Authority which protects the food from dust, weather conditions, insects, and human contamination during the cooking process. No food preparation other than seasoning shall be allowed at outdoor cooking equipment.

8. Toilet facilities shall be available at the service site for employee use and, if applicable, consumer use, as provided in DPH Rule 511-6-1-.06(2)(h).

9. Except as provided in subparagraph (4)(a)(10), supplies and equipment used at the service site shall be cleaned and serviced daily at the catering food service establishment’s permitted base of operation. The shared use of facilities or equipment by two separate permit holders is prohibited.

10. A catering food service establishment that services a site, such as a filming location, more than 60 miles from its permitted base of operation for an extended period of time during which a daily return to the base of operation for service and restocking is impracticable, shall:

(i) Utilize an on-site warewashing method for washing, rinsing, and sanitizing utensils and equipment in accordance with DPH Rule 511-6-1-.05(2), (3), and (6), which shall consist of either a portable dish washing trailer or a pre-approved, three-compartment basin system that is large enough to accommodate complete submersion of the largest utensil used at the service site; and

(ii) Maintain and provide to the Health Authority, upon request, written procedures which:

(I) Outline the methods of compliance with DPH Rule 511-6-1-.04(2) and (3) for deliveries received in the field;

(II) Outline the methods of compliance with DPH rule 511-6-1-.06(1)(j) with regard to an alternative water supply;

(III) Outline the methods of compliance with DPH Rule 511-6-1-.06(4)(e) and (f) with regard to proper sewage disposal; and

(IV) Describe how solid waste material and refuse from the food service operation will be stored and handled.

(b) When not in use, all mobile catering units, equipment and all other supplies shall be properly stored at the base of operation or other location approved by the Health Authority.

(c) Design and Construction of Mobile Catering Units. Mobile catering units must comply with the requirements for mobile food service units set forth in DPH Rule 511-6-1-.08(1)(a) through (e), (g), (h), (j), and (k).

(d) Identification. All mobile catering units used in conjunction with catering operations for which food is prepared all or in part at the service site shall:

1. Display an adhesive sticker provided by the Department indicating that the mobile catering unit has been approved by the Health Authority for catering operations within the State of Georgia. The sticker must be located in a readily visible area on the unit and maintained in good condition; or

2. Maintain and provide to the Health Authority, upon request, a copy of the catering food service establishment's permit, which shall list the Vehicle Identification Number for each mobile catering unit used by the permit holder for the catering operation.

(e) Catering Location. A catering food service establishment shall maintain a record of each catering operation, including date, location, and menu, for at least six months after the catering operation takes place. Such records shall be provided to the Health Authority upon request.

(f) Inspections.

1. The Health Authority in the county that issued a permit to the catering food service establishment shall be responsible for conducting inspections in accordance with DPH Rule 511-6-1-.10(2).

2. The Health Authority in a county where a service site is located shall be authorized to enter any catering operation, at any reasonable time and upon proper identification, for the purpose of conducting a complaint investigation. Any food safety Risk Factor violations shall be immediately corrected on-site; and, if an imminent health hazard is discovered, food service operations may be temporarily suspended by the local Health Authority until the imminent health hazard is corrected. The permit holder shall be entitled to appeal any such suspension to the local District Health Director in accordance with DPH Rule 511-6-1-.10(1)(b).

3. Upon completion of the compliant investigation, the person in charge shall sign the report form provided by the local Health Authority. The signature of the person in charge shall not necessarily indicate agreement with any findings noted during the complaint investigation. A copy of the signed report shall

be given to the person in charge and a copy shall be sent to the health Authority in the county that issued the permit. A score shall not be given for a complaint investigation conducted in a county where a service site, but not the permitted base of operation, is located; however, blatant or repeated food safety compromises found during such complaint investigations may lead to permit suspension or revocation by the Health Authority in the county that issued the permit.

(4) “Pop-Up” Food Service Operations.

(a) Food service establishments participating in “pop-up” food service operations shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following: ^P

1. Unless the food service establishment is already permitted for catering operations, it must obtain a letter of approval from the Health Authority prior to engaging in “pop-up” food service operations.

2. A food service establishment participating in a “pop-up” food service operation shall operate from its permitted base of operation. ^P

3. A food service establishment shall not operate more than 3 hours in one day at any “pop-up” location without first obtaining a mobile food service vending permit, and shall be limited to no more than 2 days per calendar week at any one “pop-up” location.

4. Only ready-to-eat foods that have been prepared, cooked, and properly containerized for transport at the permitted base of operation may be served and sold at the “pop-up” location.

5. Time/Temperature Control for Safety (TCS) foods to be served and sold at the “pop-up” location must be maintained at the following temperatures during transport and kept in approved NSF certified containers:

(i) 41°F or less if held cold; ^P or

(ii) 135°F or more if held hot. ^P

6. All food shall be protected from coughing, sneezing, customer handling, or other contamination through the use of effective barriers such as wrapping or food shields. Condiments shall be dispensed in single-service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources. ^P

7. “Pop-up” food service operations shall provide only individually wrapped single-service tableware for use by the consumer. ^{Pf}

8. No cooking equipment shall be allowed at the “pop-up” food service location. Hot-holding and cold holding equipment shall be limited to steam or hot water heating equipment or refrigerated equipment that meets the requirements of this Chapter. With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use and contain sufficient ice for cold TCS foods may be used; however, packaged or wrapped food shall not be stored in contact with water or undrained ice, except for commercially packaged beverages such as canned or bottled soda or water. ^{Pf}

7. A food service establishment participating in a “pop-up” food service operation shall bring an

adequate supply of clean and sanitized food service equipment and utensils and store them at the “popup” location in a way that ensures they are protected from contamination. Only food service equipment and utensils that belong to the permitted food service establishment operating at the “pop-up” location shall be used by that food service establishment during the operation. At no time shall food service equipment or utensils be shared between food service establishments. ^{Pf}

10. Adequate handwashing facilities are required at the “pop-up” location and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and a waste receptacle that is conveniently located for use by food employees at the “pop-up” location. Wastewater from the “pop-up” food service operation shall be disposed of according to law. ^{Pf}

11. Copies of the permit and the current inspection report for the food service establishment’s base of operation must be displayed for public view at the “pop-up” food service location.

12. Inspections of “pop-up” food service operations may be conducted as often as necessary to ensure compliance with this Rule.

13. Except for unopened commercially packaged beverages, food not sold or consumed at the “pop-up” location shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. All food from a “pop-up” food service operation shall be discarded to waste after service at the “pop-up” location has concluded for that day. ^P

(b) The facilitator of a “pop-up” food service operation shall obtain a letter of approval from the local Health Authority for the “pop-up” location by providing the following information at least ten business days prior to the anticipated date of operating at the selected “pop-up” location:

1. The name, title, address, and telephone number of the person directly responsible for the management of the facilitator;

2. The address of the proposed “pop-up” food service operation;

3. The method, such as an electronic ticket or other tracking method, that will be used to identify patrons purchasing food at the “pop-up” location for trace back purposes in the event of a foodborne illness;

4. A statement signed by the facilitator or authorized agent that:

(i) Attests to the accuracy of the information provided in the application; and

(ii) Affirms that the applicant will fulfill the obligations of a facilitator as outlined in this subsection; and

5. If the facilitator is not the owner of the proposed location of the “pop-up” food service operation, a written statement signed by the owner or authorized agent of the proposed location, giving permission for the “pop-up” food service operation to take place;

(c) A “pop-up” food service operation shall not take place in a location where the food is subject to overhead or environmental contamination, ^{Pf} or in a building which serves a highly susceptible

population. A “pop-up” food service operation shall comply with all applicable regulations and ordinances, including access to toilet facilities which meet the requirements of DPH Rule 511-6-1-.06(2)(h).

(d) The local Health Authority shall be notified prior to any change in the facilitator of a “pop-up” food service operation.

(e) The facilitator shall maintain and make available to the local Health Authority, upon request, a list of the food service establishments participating in the “pop-up” food service operation, which shall include:

(i) the address and food service permit number of each food service establishment;

(ii) the dates and times of operation for each food service establishment at the “pop-up” location; and

(iii) the menu of foods offered by each food service establishment at the “pop-up” location.

(f) The local Health Authority may, in its discretion, suspend or revoke a letter of approval for a “pop-up” food service operation if it is determined that the requirements of this Rule have not been met.

Authority O.C.G.A. 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Inspection of Premises" was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and a new Rule entitled "Transportation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction and Maintenance of Physical Facilities" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Special Food Service Operations" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed October 1, 2018; effective October 21, 2018.