



**Program:** Retail Food

**Department:** Environmental Health

**Date:** August 2, 2023

**Subject:** Regulation of Temporary or Special Events with Food

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## **Purpose**

Eagle County Public Health & Environment (ECPHE) recognizes the value that the numerous special events and food service provide to the community and local economy. Risk-based methodology is utilized by ECPHE to maximize limited resources and best ensure that food served to the public is safe. This guide describes licensing of temporary/special events with food, based on risk, the Food Protection Act and the Colorado Retail Food Rules and Regulations.

**ECPHE's priority is to reduce the risk of foodborne illness at Special Events with temporary retail food establishments that meet the criteria outlined in this policy.**

## **Definitions**

**Catering:** Caterers are licensed and inspected as a Retail Food Establishment at their commissary kitchen. They provide a contracted, prearranged number of meals and/or food products that are prepared for service and consumed at the same or another prearranged offsite location and not available for individual sale. Examples: wedding, company holiday party, etc. Caterers are not approved to operate at special events without obtaining a separate temporary food establishment license.

**Commissary Kitchen:** A commercial facility (licensed or unlicensed) that is adequate to support operations and safe food handling of food for the operator and is accessible to the local public health agency for inspection purposes.

**Cottage Food Producer:** A vendor that only makes low risk food products in a home kitchen, that do not require refrigeration, as covered by the Colorado Cottage Food Act. These producers must have training in food safety, follow all labeling requirements of the State of Colorado, pay



all applicable sales tax, and are NOT regulated by the Colorado Food Protection Act. Low risk food products may include baked goods, unprocessed eggs, tortillas, jams, jellies, and spices.

**Event Coordinator:** The person or group responsible for overseeing tasks related to the event planning process including the coordination of food and beverage.

**Exempt Non-profit:** Non-profit or charitable organization located within Eagle County and whose operation does not exceed 52 days within a calendar year is defined as NOT a retail food establishment under the Colorado Food Protection Act.

**Fundraiser Event:** An event for the sole purpose of raising funds for a non-profit when 100% of proceeds goes to the organization and no other business. This type of event does not meet ECPHE's definition of a temporary event thus not requiring a review. Examples: PTA bake sale vs PTA food truck event where portion of profits go to PTA; Boosters holding spaghetti dinner for team to travel to state vs Booster club selling hotdogs at all schools sporting events for the year.(>52 days).

**Mobile Retail Food Establishment (aka Food Truck):** A Retail Food Establishment that is a wheeled vehicle or trailer that is readily moveable, primarily self-contained for food preparation and service, and is regulated under the Colorado Food Protection Act.

**Non-Exempt Non-profit:** Non-profit or charitable organization located outside of Eagle County or whose operation exceeds 52 days within a calendar year is defined as Retail Food Establishment under the Colorado Food Protection Act.

**Promotional Event:** Food provided to promote an organization or product, usually at no cost to the participant. Food service may be conducted by employees, volunteers, or licensed caterers. This type of event does not meet ECPHE's definition of a temporary event thus not requiring a review. Examples: Grand openings, gallery exhibit openings and others. Subject to review to confirm meets the definition and interpretation of promotional events.

**Retail Food Establishment:** A food service operation that sells directly to a consumer through a mobile or permanent facility whether consumption is for either on or off premise. This does not include a kitchen in a private home, food processing plants, produce stands offering whole fruits and vegetables, or prepackaged foods that are not controlled for safety.

**Special Event:** Organized recurring events or celebrations that include one or more food vendors. Examples: Farmers markets, on-going street fairs, rodeos, and concert series. Events serving food may be regulated by a local public health agency.



**Temporary Event:** A single community event or a celebration that includes one or more food vendors and operates for not more than 14 consecutive days. May include town celebrations, fairs, and festivals. Local examples: Block Party, Eagle County Fair and Rodeo, etc. Events with food may be regulated by a local public health agency.

**Temporary Retail Food Establishment (aka Tent and Table):** A food vendor that operates out of a commissary kitchen that is not licensed as a Mobile Retail Food Establishment and sets up at a Temporary or Special Event and waits for individual orders. Vendors may be regulated by a local public health agency under the Colorado Food Protection Act.

## **Policy**

Event Coordinators with food service and operating in Eagle County are required to submit an Event Coordinator Plan 30 days prior to their event.

Food vendors operating in Eagle County are required to apply for a Temporary Retail Food Establishment with ECPHE each calendar year and/or 14 days prior to their first event. Eagle County will review all applications to make a licensing determination.

The Temporary Food Establishment types listed below DO NOT require a food service license:

- Vendors offering only foods covered under the Cottage Food Act
  - Application requested for contact information.
- Exempt Nonprofits and government agencies operating at events in the jurisdiction they reside or principally located.
  - Application requested for contact information.
- Food at promotional events or fundraising events.
- Recreation and hunting camps where food is prepared in the field.

**All food service activities, including those not required to have a temporary event license, shall conduct operations in conformance to the physical and operational requirements of the Colorado Rules and Regulations for the minimum health and safety requirements, see temp brochure for food safety requirements. All vendors regardless of license status are required to comply with all other laws and local ordinances in conjunction with the event.**



## **ECPHE License Types and Fees**

### **Full Service Temporary Food Establishment (\$255)**

- Food vendors with food service that does not qualify as Limited.
- Using a commissary located within Eagle County or has a ECPHE RFE license.
  1. Commissary approval is part of the application process.
  2. A change in commissary after initial approval requires a new TFE application and license.

### **Limited Temporary Food Establishment (\$115)**

- Food vendors with limited food service including:
  1. Prepares or serves food that does not require time or temperature control for safety (non-TCS).
  2. Self-service beverages, beverages that contain ice, and/or garnishes.
  3. Prepackaged commercially prepared food and beverages requiring time or temperature control for safety (TCS).
  4. Reheats commercially prepared foods that require time or temperature.
- Using a commissary located within Eagle County or has a ECPHE RFE license.
  1. Commissary approval is part of the application process.
  2. A change in commissary after initial approval requires a new TFE application and license.

### **Out of County Temporary Food Establishment Application (\$100)**

- Includes food vendors with a current annual TFE license from another Colorado County
- Documents to include with the application:
  1. Copy of TFE license from licensing agency



2. Copy of plan review from licensing agency must include:
  - A. Menu
  - B. Commissary agreement

### **Late Fee (\$75)**

- Failure to submit Event Coordinator Plan 30 days prior to event.
  1. Completed plans include a vendor list that has indicated which vendors have provided copies of their license or need a license. Coordinators may add vendors or submit changes for review up to 10 business days before the event.
- Food vendor applications will NOT be accepted within 10 working days before an event.

### **Out of County Licensed Mobile, or Exempt License Review**

**Mobile food vendors licensed in Colorado but not Eagle County need to submit the following information (no fee):**

- Copy of Colorado mobile RFE license (current year)
- ECPHE's Temporary Food Establishment Application
  1. Indicate if their operation is Self-Contained (all food safety processes performed within mobile with exception to water fill and discharge) or NOT Self-Contained (operates daily out of a commissary).
  2. Include a description of additional operations or equipment set up outside of mobile during events
  3. Commissary location and servicing needs (ECPHE requires a local commissary for multi-day events)
  4. Menu

**ECPHE may require the mobile RFE to obtain a ECPHE Temporary Food Establishment license based on the following conditions:**

- Licensed by Denver County

Eagle County Public Health & Environment ◇ Environmental Health Department  
P.O.Box 179 ◇ 500 Broadway, Eagle, CO,81631 ◇ 970-328-8755



- Handling food other than conveyance of finished product outside of their mobile.
- Operating outside of the approved operations and plans of the Mobile RFE license.

**Non-Profit/Government located in Eagle County (no fee):**

Eagle County asks non-profit or government vendors at events in Eagle County to fill out the first section of the Temporary Food Establishment Application and:

- Submit a copy of 501(c)3 designation
- Review and follow “Food Safety Guidance for Temporary Events”

**Cottage Foods (no fee):**

Eagle County asks all cottage food vendors at events in Eagle County to fill out the first section of the Temporary Food Establishment Application

**Authority**

The Colorado Food Protection Act (C.R.S. Title 25, Art. 4, Pt. 16)

Under C.R.S. 25-4-1602(14)(l) a Retail Food Establishment does not include: The donation, preparation, sale, or service of food by a nonprofit or charitable organization for the duration of an event or celebration or a maximum of fifty-two days within a calendar year and it takes place in the county in which such nonprofit or charitable organization resides or is principally located.

C.R.S. 25-4-1607(1)(d) states that the license fees established for retail food establishments at a special event must be established by the county or district public health agency.

C.R.S. 25-4-1607(9)(a) states that a certificate of license may be issued to a local government entity or nonprofit organization that donates, prepares, or sells food at a special event located where the entity resides or is principally located.

**Disclaimer**

ECPHE hereby communicates that this policy is subject to modifications in alignment with regulations aimed at upholding public health and safety. Note that this policy stands as a guiding framework and may be adapted as necessary to ensure the safeguarding of public health.