

## Outdoor Food Operations (4-10-19)

### **"Outdoor food operation" defined**

(a) "Outdoor food operation" means an area on the premises of a permanently constructed retail food establishment where open food is regularly prepared, stored, served, or otherwise handled; or food, food equipment, food-contact surfaces, utensils, or single-service and single-use articles; are without full enclosure by one or more wall or overhead protective barriers to the outdoors.

(b) The term does not include a temporary food establishment, a mobile retail food establishment, an outdoor servicing area for a mobile retail food establishment, or a retail food establishment when the only outdoor food handling activity is serving food per an individual order from an enclosed indoor facility, or consists only of enclosed, secured storage, such as a walk-in cooler.

### **Outdoor food operations**

(a) Except as stated in this section, an outdoor food operation shall meet all other applicable requirements of 410 IAC 7-24.

(b) Retail food establishments with outdoor food operations which were approved prior to the effective date of this rule under a variance from the department may continue to operate according to the terms of that variance when the variance specifies requirements which are different from this section.

(c) Retail food establishments shall have outdoor food operations approved by the regulatory authority before they are used.

(d) The regulatory authority may require an owner or operator of a retail food establishment proposing an outdoor food operation to request a variance from the department, when there is agreement by the department that a variance is necessary due to the complexity or unusual nature of the proposed operation.

(e) A retail food establishment with an outdoor food operation shall provide protective and security conditions for food, food equipment, including all food contact surfaces, utensils, and single-service and single-use articles that are equivalent to the conditions provided if the same operations were conducted indoors.

(f) Outdoor food operations shall meet the requirements of the Indiana Department of Homeland Security, Fire and Building Safety and Services and the requirements of applicable city or county departments of fire; building; water; wastewater; zoning; or planning; and shall not create a public health hazard or nuisance due to smoke, pollution, or other conditions created by the operation.

(g) Outdoor food operations shall not be conducted on public highway rights-of-way or property where the owner has not given permission for use and shall not create a hazard to public utilities.

(h) The owner or operator of a retail food establishment proposing an outdoor food operation shall provide to the regulatory authority plans and other necessary information meeting the specifications of 410 IAC 7-24 and the following:

(1) standard operating procedures which demonstrate that food; food equipment, including all food-contact surfaces; utensils, and single-service and single-use articles are protected from hazards, such as contamination from wind, airborne debris, dust, precipitation, pests, including the presence of harborage conditions for insects, birds, and other animals, contamination from patrons, intentional and unintentional contamination by unauthorized persons.

(2) Samples of paper or electronic forms or other methods for documenting performance of the standard operating procedures.

(i) Documents demonstrating enactment of the standard operating procedures in subsection (h) shall be completed for each day of operation and retained for at least one year from the date of completion.

(j) Outdoor food operations which include open food or have outdoor food preparation shall not be conducted in inclement weather and when conditions such as precipitation, wind, dust or other airborne debris, ambient temperatures below freezing, and an uncontrollable presence of pests when such hazards cannot be adequately mitigated.

(k) Food which has become contaminated by any outdoor source shall be discarded.

(l) Food equipment, utensils, or any food contact surface used by an outdoor food operation, including single-use and single-service articles, which become contaminated by any source before or between uses shall be immediately washed and sanitized as specified in 410 IAC 7-24 or discarded.

(m) The retail food establishment with an outdoor food operation shall provide adequate support services, when applicable, such as supplying potable water, equipment and utensils, single service and single-use articles, utility services, storage and preparation facilities, cooking facilities, refrigeration, maintenance, and employee resources.

(n) Food-contact surfaces of equipment exposed to the outdoors shall be maintained for cleanability and repaired or replaced when they no longer meet the characteristics described in 410 IAC 7-24.

(o) Except for food while it is fully contained within food equipment, open food of an outdoor food operation shall be attended continuously by a food employee while being prepared, held for service, displayed for service, or served to consumers.

(p) Food, utensils, single-service and single-use articles, and food-contact surfaces of equipment shall not be stored exposed to the outdoors environment overnight or while not in use.

(q) Convenient, unobstructed access to a handwashing sink shall be provided at all times for food employees and for patrons cooking food for themselves in an outdoor food operation that prepares food.

(r) Food employees working in an outdoor food operation shall be provided with convenient access to a restroom at all times.

(s) Handwashing sinks shall be provided and plumbed as specified in 410 IAC 7-24 during the entire time when food is being prepared in an outdoor food operation.

(t) Waste water from an outdoor food operation shall be disposed as specified in 410 IAC 7-24 and shall not be disposed on the ground or in a manner which creates a public health hazard or nuisance.

(u) Unless exempt under 410 IAC 7-22, a retail food establishment that prepares food outdoors shall have a certified food protection manager present during all of the hours when food employees are at the establishment.

(v) The food preparation area of an outdoor food operation shall be segregated at all times so unauthorized persons cannot access the area.

(w) Outdoor food operation equipment shall be stored clean, orderly, and secured from unauthorized access while not in use.

(x) Walking surfaces of an outdoor food operation shall:

(1) meet the requirements specified in 410 IAC 7-24;

(2) be cleanable;

(3) be constructed to be non-absorbent of grease and other food spillage; and

(4) be cleaned of excessive food and grease residue as often as necessary to prevent an excessive buildup of food and grease residue.

An excessive buildup of grease or food shall be considered to exist when there is observed on a walking surface to be more food or grease residue than would have accumulated if the outdoor food operation was not there.

(y) Fans and other equipment used in outdoor food operations shall be used in a way which does not contaminate food, food contact surfaces, utensils, and single-service and single-use articles.

(z) Motor vehicles shall be prevented from driving through or near the food preparation or display area of an outdoor food operation.