



Division of Food and Lodging  
North Dakota Department of Health  
600 East Boulevard Avenue Dept. 301  
Bismarck, ND 58505-0200  
701.328.1291/1.800.472.2927

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## **Mobile Food/Temporary Food Requirements**

**33-33-04-117. General mobile food service.** Mobile food units or pushcarts shall comply with the requirements of this chapter, except as otherwise provided in this section and in section 33-33-04-118. The department may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of sections 33-33-04-120, 33-33-04-121, 33-33-04-122, 33-33-04-123, and 33-33-04-124, which may not be waived.

**33-33-04-118. General mobile food service - Restricted operations.** Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the necessity of water and sewage systems or those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary. However, frankfurters may be prepared and served from these units or pushcarts.

**33-33-04-119. Single-service articles.** Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

**33-33-04-120. Water system.** A mobile food unit requiring a water system shall have a potable water system under pressure. 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 chapter. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this chapter. A hose used for conveying drinking water from a water tank must have a smooth interior surface, be of food grade material, and, if not permanently attached, be clearly and durably identified as to its use. A water tank, pump, and hoses used for conveying drinking water may be used for no other purpose.

**33-33-04-121. Waste retention.** If liquid waste results from operation of a

mobile food unit, the waste shall be stored in a permanently installed retention tank that has a capacity of at least fifteen percent or larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections of the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

**33-33-04-122. Base of commissary operations.**

1. Mobile food units or pushcarts shall operate out of a commissary or other fixed food establishment and shall report at least daily to all such locations for all supplies and cleaning and servicing operations.
2. The commissary or other fixed food establishments used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this section.

**33-33-04-123. Servicing area and operations.**

1. A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area there shall be a location provided for the flushing and drainage of liquid wastes which is separate from the locations provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart, or where mobile food units do not contain waste retention tanks.
2. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt, and shall be maintained in good repair, kept clean, and graded to drain.
3. The construction of the walls and ceilings of the servicing area is exempted from the provision of sections 33-33-04-91 through 33-33-04-96.

**33-33-04-124. Servicing operations.**

1. Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.
2. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged into a sanitary sewerage disposal system in accordance with section 33-33-04-64 and in such a way that a public health hazard or nuisance is not created.

**33-33-04-125. Temporary food establishment.** A temporary food establishment shall comply with the requirements of this chapter, except as otherwise provided in this section. The department may impose additional requirements to protect against health hazards, related to the conduct of the temporary food establishments, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this chapter relating to temporary food establishments.

**33-33-04-126. Temporary food establishment - Restricted operations.**

1. This section is applicable whenever a temporary food establishment is permitted, under the provisions of section 33-33-04-125 to operate without complying with all the requirements.
2. Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous 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. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is packaged in individual servings, is stored at a temperature of forty-one degrees Fahrenheit [5 degrees Celsius] or below or at a temperature of one hundred forty degrees Fahrenheit [60 degrees Celsius] or above in facilities meeting the requirements of this chapter, and is served directly in the unopened container in which it was packaged.

**33-33-04-127. Ice.** Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this chapter. The ice shall be obtained only in chipped, crushed, or cubed form and packaged in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

**33-33-04-128. Equipment.**

1. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.
2. 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.

**33-33-04-129. Single-service articles.** All temporary food establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

**33-33-04-130. Water.** Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

**33-33-04-131. Wet storage.** Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

**33-33-04-132. Waste.** All sewage, including liquid waste, shall be disposed of according to law.

**33-33-04-133. Handwashing.** A convenient handwashing facility shall be available for employee handwashing. At a minimum, this facility shall consist of warm

running water, soap, and individual paper towels. If approved, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.

**33-33-04-134. Floors.** Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. However, dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other approved materials effectively treated to control dust.

**33-33-04-135. Walls and ceilings of food preparation areas.**

1. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least sixteen mesh to the inch [2.54 centimeters].
2. Counter-service openings shall be no larger than necessary for the particular operation conducted. These openings must be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

**IMPORTANT INFORMATION**

The first step in the process to get a mobile/temporary food establishment approved and licensed in North Dakota is to submit a set of plans to our Department for review and approval. These plans must include the layout of the mobile food unit, showing the location and types of equipment, a brief description of the menu items to be prepared and what the floors, walls and ceilings will be or are constructed of. Once the plans have been approved you can either begin construction on the unit or begin to make plans to bring the mobile unit into North Dakota. You must contact this Office at least 30 days prior to beginning operation in North Dakota to make arrangements for a preoperational inspection. Licensing will be taken care of at the time of this inspection.

For more information contact the Division of Food and Lodging at 701.328.1291.