



Buncombe County Department of Health

Gibbie Harris, MSPH, FNP, BSN
gibbie.harris@buncombecounty.org
Health Director

GUIDELINES FOR INTERPRETING THE NORTH CAROLINA STATE REQUIREMENTS FOR THE OPERATION OF A PUSH CART OR MOBILE FOOD UNIT

Due to the heavy number of inquiries about operating pushcarts and mobile food units in Buncombe County, these guidelines have been prepared in an attempt to answer questions about such facilities. Buncombe County uses the North Carolina requirements for these facilities and this information essentially is an attempt to interpret these rules in a more easy to understand format. The rules themselves are published in the booklet entitled, "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments", 15A NCAC 18A .2600." (the rules). A copy of this booklet is available without charge on request. The specific rules governing pushcarts and mobile food units are Rules .2638 "General Requirements for Pushcarts and Mobile Food Units", .2639 "Specific Requirements for Pushcarts" and .2640 "Specific Requirements for Mobile Food Units". compliance with all of the rules is required for a permit. Please read on for a description of these requirements.

One of the fundamental requirements in North Carolina is that both pushcarts and mobile food units must operate in conjunction with a permitted restaurant establishment (a commissary). A permit cannot be issued until a commissary is approved to service the pushcart or mobile food unit. Furthermore, a pushcart or mobile food unit must return to its commissary for servicing at least once each day of operation for servicing. The commissary must hold a restaurant permit and be able to supply the necessary services for any unit served. For example, in the case of a pushcart, equipment must be washed and sanitized using the facilities of the commissary. In the case of a mobile food unit, the commissary must provide facilities for taking on potable water and discarding of waste water. Other necessary services are noted in the rules or may be defined as part of the permit as made necessary by the design and menu of specific units. Any existing restaurant proposing to serve as a commissary for a mobile food unit or pushcart must be evaluated by the Buncombe County Department of Health to determine if facilities are adequate to comply with the rules.

A second fundamental requirement of operating a mobile food unit or pushcart in North Carolina is that no foods can be prepared at home or in any other non-permitted kitchen. Foods must be prepared on the mobile unit, on the pushcart (hot dogs only), or in an approved restaurant permitted to prepare food for sale.



When attempting to determine which rules apply, it is important to understand how these facilities are defined in the rules. A pushcart in North Carolina is defined as: "A mobile piece of equipment or vehicle which serves hot dogs or foods that have been prepared, proportioned and individually pre-wrapped at a restaurant or commissary." This means that only hot dogs can be actually prepared on a pushcart. Pushcarts can also be approved to sell wrapped food items; however, such sales must meet the documentation and labeling requirements in rule .2639 (d), (e), and (f).

A mobile food unit in North Carolina is defined as: "A vehicle mounted food service establishment designed to be readily moved." Mobile food units can be designed to allow the serving of a variety of foods and require the installation of the same types of equipment that one would expect to find in a permanent food service. This includes mechanical refrigeration and an on-board water system with a water heater. Sinks are required, including at a minimum, a hand wash sink.

.2638 General Requirements for Pushcarts and Mobile Food Units

-- As described in the title, these rules list general requirements that apply to both pushcarts and mobile food units. Some of the main points are as follows:

-- A permit is required to operate and must be displayed on the pushcart or mobile food unit. The permit can only be issued when the pushcart or mobile food unit has met all the requirements in the rules.

-- The operator of the pushcart or mobile food unit must provide a list of the locations the units will operate.

-- As already noted, the pushcart or mobile food unit must operate in conjunction with a permitted restaurant facility to serve as commissary.

-- All foods must be obtained from approved sources and properly handled. Potentially hazardous foods (those that will promote bacterial growth) must be held at the proper temperatures and a chef's thermometer is required to measure temperatures.

-- Only single service serving items can be used.

-- Persons who are ill, who carry contagious diseases, or who may have a physical ailment that will not allow foods to be handled in a sanitary manner may be restricted from handling foods.

.2639 Specific Requirements for Pushcarts

- Only hot dogs can be prepared on a pushcart.
- Carts must be designed to properly protect foods from excessive exposure.
- If it is desired that pre-wrapped foods be sold on the pushcart, the permittee must provide documentation to the Buncombe County Health Department which demonstrates that the cart's facilities will hold the temperature of perishable products.
- Pre-wrapped foods sold on pushcarts must be labeled with the name of the restaurant where the food was prepared and wrapped, the name of the food item, and the time and date of expiration of perishable food items. Perishable food items cannot be sold after expiration.
- Pushcarts cannot be used for customer self-service.

.2640 Specific Requirements for Mobile Food Units

- The mobile food unit must be constructed so that food and utensils are protected from exposure from the public (touching food, coughing on food, etc.), and from flies and other contamination. Drawings of the layout of a mobile food unit should be provided before any unit is constructed to assure compliance.
- Mobile food units must provide a potable water system under pressure. A water heater is required. The volume of water needed will depend on the needs of equipment and menu. The fill inlet for the water system must be kept capped and located so as not to be subject to contamination.
- A hand wash lavatory with hot and cold water, a combination supply faucet and soap and single-use towels must be provided on the mobile food unit.
- A single vat utensil sink with drainboards on each end large enough to submerge, wash and rinse cooking utensils is required on the mobile food unit. This requirement may be waived if no food is actually prepared on the mobile food unit and utensils are washed at the utensil sink at the commissary.
- A waste water storage tank is needed on the mobile food unit. This tank must be 15% larger than the water capacity of the potable water system.

-- Any restaurant serving as commissary for a mobile food unit must provide servicing equipment of the unit. This will include potable water serving equipment and accessible drainage to sanitary sewer for emptying the waste water tanks.

We hope these guidelines for interpreting the North Carolina rules on pushcarts and mobile food units are helpful. They are not the rules but the interpretations of the rules by the Buncombe County Department of Health -- Food, Lodging, and Institution Sanitation Section. If you have any questions on any item in the rules or these guidelines, please do not hesitate to contact this office.