

# **SELLING FOOD AT FARMERS' MARKETS, FAIRS, FESTIVALS AND FUNDRAISERS IN ORANGE COUNTY, NY 2017**

All vendors must be in compliance with Subpart 14-2 of the New York State Sanitary Code Temporary Food Service Establishments, which includes amendments effective January 8, 1997

## **FREQUENTLY ASKED QUESTIONS**

### **PERMITS & LICENSES**

**Q:** I want to sell food at a farmers' market in Orange County; and maybe at a festival in the summer. How do I get started?

**A:** A permit is required from the Orange County Department of Health if food is to be prepared or portioned and served to the public. A temporary food service permit can be used for these kinds of events. A temporary food operation is limited to a single event and is further limited to 14 days of operation. The 14 day duration need not be consecutive but is limited to one event.

-It is strongly recommended that temporary food permit applications be submitted completed with all required insurance paperwork at least **10 business days prior** to the event.

**Applications must be filled out completely and signed.** Application forms are available on our Website. <http://www.orangecountygov.com/content/124/1334/1088/1304/default.aspx>

Select Food Service Establishments, and then choose either Commercial or Non-Commercial Temporary Food Service Permit Application. Non-Commercial Applications require no fees and are **ONLY** for vendors which are part of a not-for-profit organizations.

**Please note:** Permits will **NOT** be issued unless accompanied with acceptable documentation of Workers' Compensation **and** Disability insurance coverage **or** a CE-200 exemption certificate if you are exempt from coverage. Acceptable documentation is detailed on the permit application. The needed forms may be obtained from your insurance carrier. If a certificate of exemption (CE-200 Form) is applicable, it may be obtained online at [www.wcb.ny.gov](http://www.wcb.ny.gov).

**Q.** Is there a fee for a Temporary Food Permit?

**A.** Yes, a \$75 Commercial Temporary Food Service Permit Application Fee is required for each event (required for all vendors, except those that are not-for-profit)

**\*\* Please note fee the schedule changed as of January 2017.\*\***

### **OR**

If your organization is not-for-profit a Non-Commercial Temporary Food Service Permit is required. Non-commercial permits are fee exempt, but **ONLY** for vendors which are not-for-profit organizations.

**Q:** Are there associated fees if the application is not submitted **at least ten (10) business days prior**?

**A:** **Initial permit applications or other submissions needing or requesting review/ processing within five (5) business days of our receipt shall be subject to a \$100 expedited processing fee or a \$200 expedited processing fee if within two (2) business days of our receipt (including those normally exempt from fees).**

**Q:** If I submitted the required Workers' Compensation and Disability insurance documents to your office last year, do I need to submit them again this year?

**A:** Yes. You are required to submit Worker's Compensation and Disability documents or exemption form CE-200 with **EACH** permit application.

- Upon completion of the CE-200, print it out, sign and date it and attach it to your permit application.

**Q:** How long does it take to process my permit application to sell food at a festival or farmers' market?

**A:** It is recommended that applications be submitted **at least ten (10) business days prior** to the event to allow for proper processing. All applications will be reviewed regarding the types of food you plan to serve, how the food will be prepared and served, facilities for hand washing and general sanitation. If the application is completed and all required information is provided and acceptable, the application will be approved and a permit issued.

- Most temporary food service permits will be hand delivered the date of the event by Department of Health inspection staff.

**Q:** If I have a Catering permit from Orange County DOH, do I also need a Temporary Food Service permit to sell food at a festival or farmers' market?

**A:** Yes. Catering permits do not cover festivals and farmers markets.

**Q:** If I have a Mobile Unit permit from Orange County DOH, do I also need a Temporary Food Service permit to sell food at a festival or farmers' market in Orange County?

**A:** No, unless the unit itself will not be used during the event.

**Q:** I want to sell commercially packaged foods such as chips, cookies, candy bars, ice cream bars or bottled water. Do I need a permit?

**A:** No. A permit is **NOT** required to sell sealed commercially-packaged, non-potentially hazardous foods.

- If you plan to package any food items yourself before selling them (i.e. candy, jams, honey, sauces, dressings), you will need a license from the New York State Department of Agriculture & Markets (NYS Dept. of Agriculture & Markets). They can be reached at 845-220-2047 or 315-487-0852 to obtain information about obtaining the necessary licenses.

- If you have a license from New York State Department of Agriculture & Markets, a permit from the Orange County Department of Health is not required to sell your pre- packaged product at a festival or farmers' market.

**Q.** What if I want to sell items such as coffee, lemonade, hot dogs, hamburgers, nachos and cheese, cupcakes or sliced fruit?

**A.** A permit is required from Orange County Department of Health when offering or selling any food to the public, including at venues such as festivals, farmers' markets, holiday bazaars and school fundraisers. Baked goods (Bake Sales) are only exempt from permit requirements for non-profit organizations.

**Q.** I want to sell fruits and vegetables I raise. Do I need a permit or license?

**A.** Yes. A license from NYS Department of Agriculture & Markets is required to sell produce at a location other than where it was grown. The sale of whole and uncut fruits and vegetables does not require a permit from Orange County Department of Health.

**Q.** Do I need a permit to offer samples of my food to customers at my booth?

**A.** Yes, if the food is, or contains, potentially hazardous food (i.e. meat, poultry, pork, eggs, dairy products, cooked rice, cooked potato, sliced fresh tomato, tofu or fruit) and requires onsite cooking or processing other than minimal slicing or portioning.

**Q.** If I have a Mobile Unit permit from a county other than Orange County, do I need a Temporary Food Service permit to sell food at a festival or farmers' market in Orange County?

**A.** Yes. You need either a Temporary Food Service permit **OR** a Mobile Food Service Establishment permit from the Orange County Department of Health.

**Q.** If I operate a Food Service Establishment in Orange County (i.e. restaurant, tavern, bakery, pizzeria) and have a current permit, do I also need a Temporary Food Service permit to sell food at a festival or farmers' market?

**A.** The only time you would not require a Temporary Food Service permit would be if you set up your booth directly in front of your permitted establishment.

**Q.** If my organization is non-profit, and we want to sell frozen dessert products (i.e. soft- serve ice cream or yogurt, sno-cones, etc.) are we required to pay the \$25.00 frozen-dessert fee?

- A. Yes. You must pay the \$25.00 fee even though you are non-profit and don't pay for your Temporary Food Service permit. However, you only pay the \$25.00 frozen dessert fee once a year, regardless of how many times you apply for a Temporary Food Service permit during the year.
- Q: Do I need a business license or tax ID certificate to sell food at festivals and farmers' markets?
- A. Information about business and tax requirements can be obtained at the Orange County Clerk's office 845-291-2690.

### PREPARING FOOD FOR SALE

- Q. What items do I need to have at the event?
- A. Use the "Temporary Food Checklist" as a guide. It is recommended that a copy of the checklist be printed from our Website: <http://www.orangecountygov.com/content/124/1334/1088/1304/default.aspx>
- Q. I want to make and sell food at a festival or farmers' market. Can I make it at home, then bring it to the event?
- A. No. All kitchens where food is prepared for service to the public must meet requirements detailed in Subpart 14-1 of the New York State Sanitary Code, such as a kitchen at a food service establishment (restaurant, deli, bakery, etc.). **Residential kitchens do not meet these requirements.**
- If you prepare any food for an event at a location other than the event, it must be prepared at a facility under permit by the Orange County Department of Health or other regulatory agency. In addition, if you are not the operator of the establishment, you must provide written proof from the operator of the food service establishment stating that you have permission to use their facility. A copy of their current permit or license is also required.
- Q. I make products such as skin creams, lotions, shampoos and soaps. Can I sell them at farmers' markets or festivals?
- A. Each market has rules for what types of products and what kinds of vendors they will allow at their events. The Orange County Department of Health does **NOT** have requirements for vendors selling any non-food items.