

## Oregon Department of Agriculture - Food Safety Division Outdoor Food Sales

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ODA inspects out door barbecue operations that are integral to the operation of an ODA licensed firm. A separate license is not needed for an outdoor BBQ operation, but BBQ requirements in the food code must be met. Under the inter-agency agreement a vendor meeting the mobile food unit definition can operate under an ODA license if (a) the mobile food unit is operated by an employee of the ODA licensed firm and (b) the mobile food unit is located on the property owned/leased by the ODA licensed firm.

Counties and the Department of Human Services license Temporary Restaurants and Mobile Food Units. Mobile Food Units have to be licensed and follow Division 162 in Oregon Administrative Rules. Temporary Restaurants have to be licensed and follow the Temporary Restaurant rules that have been developed by the Department of Human Services.

In order for anyone to sell food to the public in an outdoor venue they must be defined as an outdoor barbecue, a temporary restaurant or a mobile food cart. If they do not meet one of these three definitions and they are not exempted by the temporary restaurant rules, then there are not any provisions for them to operate as an out door food vendor.

This document does not address produce stands or farmer's markets.

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**“Outdoor Barbecue”** – open-air preparation by a food establishment of food by cooking over an open fire utilizing either a permanent or portable grill, where the **purposes** of barbecuing is to **impart a unique flavor to the food** (definition from chapter 1 in the food code).

### **3-201.18 – Outdoor Barbecuing –**

- (A) *Outdoor barbecuing by a food establishment shall be allowed as a part of the operation when conducted on the premise or in the immediate vicinity of the food establishment.*
- (B) *Enclosure of an outdoor barbecue shall not be required unless necessary to protect food from contamination.*

### **3-306.15 – Outdoor Barbecue, Serving Consumers –**

- (A) *Consumers may not serve themselves from an outdoor barbecue*
  - (B) *The food employee may serve*
    - 1. *An employee that brings a container or a plate from the food establishment to the barbeque and who returns the food to the food establishment for further processing or service; or*
    - 2. *The consumer directly*
  - (C) *Except for non-potentially hazardous condiments, such as hot sauces, ketchup mayonnaise, mustard, pepper, relish, salt and sugar, no other food may be served outside the food establishment*
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**Temporary Restaurant** - any establishment operating temporarily in connection with any **event** where food is prepared or served for consumption by the public (i.e. Fairs, Carnivals, Circuses, Festivals, Concerts)

A benevolent organization may obtain a temporary restaurant license that is valid for up to 3 days or until the end of the event, whichever comes first.

All other temporary restaurant licenses are good for up to 30 days or until the end of the event, whichever comes first.

A license is not required by the Environmental Health Department when serving the following foods or beverages:

- Cookies, non-potentially hazardous confections, cotton candy, peanuts, or candied apples;
- Commercially packaged ice cream and frozen desserts, pickled products, jerky, or nuts;
- Pre-packaged foods such as potato chips, pretzels and crackers;
- Coffee (not espresso) and tea with non-potentially hazardous ingredients, and canned or bottled pop, alcoholic beverages or other non-perishable beverages (without ice);
- A food product promotion where only a sample of a food is offered to demonstrate the characteristics of the food product. A sample cannot be a meal, an individual hot dish or a whole sandwich; or
- Private events limited to members and/or invited guests are not considered public events and are not required to obtain a temporary restaurant license.

Privately donated bread, rolls, pies, cakes, doughnuts or other pastries not having perishable fillings, icings, toppings or glazes may be used in temporary restaurants operated by benevolent organizations. A notice shall be posted in public view that says, "Food served at this location may not have been inspected by the health department."

**"Mobile Food Unit"** - any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer. This does not include structures which require a special permit from Oregon Department of Transportation to be moved (definition from Division 162 – Mobile Food Units or Pushcarts)

Class of Mobile Food Unit	Requirements
Class I	Packaged foods, non-perishable drinks – no dispensed ice
Class II	Hot/cold holding of unpackaged foods, no self service, no prep/assemble/cooking of foods allowed, Class I items allowed
Class III	Prep/assemble/cooking allowed on unit - except no cooking raw animal foods, Class I & II items allowed
Class IV	May serve a full menu

\* Distinction of Classes is determined by the menu served from the mobile food unit.