



DIVISION OF ENVIRONMENTAL HEALTH

BUREAU OF FOOD PROTECTION

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## SHAVED-ICE STAND CONSTRUCTION AND OPERATING GUIDELINES

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## **Definitions**

“**Commissary**” shall mean a Department-approved staging area where a food cart, mobile food unit, shaved ice stand or transportation vehicle returns regularly for maintenance activities such as equipment cleaning, stocking, storing, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food. If the food cart, mobile food unit, or shaved ice stand has adequate facilities to accommodate normal functions of the commissary some items may not be required at the commissary.

“**Imminent Health Hazard**” shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses and the nature, severity, and duration of the anticipated injury or illness.

“**Shaved-ice stand**” shall mean a seasonal facility which is limited to preparing and serving shave ice foods with approved equipment. If a shave-ice stand is moved from event-to-event, the Salt Lake Valley Health Department must approve storage facilities for the shaved-ice stand.

**All other applicable definitions can be found in the Salt Lake Valley Health Department Regulation #5 “Food Sanitation Regulation.”**

## **Allowable Menu**

Allowable Ingredients:

- Ice
- Non-potentially hazardous flavoring syrups
- Commercially prepared, ready-to-serve, non-potentially hazardous toppings
  - (chopped nuts, chopped candy)
- Commercially pre-packaged, individual servings of ultra-pasteurized dairy products
- Commercially packaged, non-potentially hazardous non-dairy creamers
- Commercially pre-packaged, individual servings of ice cream, gelatos, or sherbets (When these items are dispensed as ingredients a single use utensil such as a plastic spoon are to be used and immediately discarded after use.)

In addition to the above ingredients for shaved ice foods a shaved ice stand can sell commercially packaged non-potentially hazardous foods such as soda pop, candy, popcorn, nuts etc.

### **Permit Approval Guidelines for Shaved-Ice Stands**

Prior to operating a shaved-ice stand in Salt Lake County a permit application must be submitted to the Salt Lake Valley Health Department, (SLVHD) Bureau of Food Protection (See page 1 for address).

**All shaved-ice stand permit approval requests will be subject to the following:**

1. If the applicant is planning the construction or modification of a shaved-ice stand he/she must go through the plan review process as established by SLVHD with all applicable fees. This plan review requires the submission of blueprints, drawn to scale with dark ink, to SLVHD Bureau of Food Protection. This blueprint must indicate the features of the shaved-ice stand: measurements, materials used, top and side schematic view of equipment layouts, plumbing for fresh and waste water systems, and heating or cooling devices. For further details on construction and operation of a shaved-ice stand refer to SLVHD #5 “Food Sanitation Regulation.”

*(Note: The applicant should contact the city or municipality in which operations will be conducted to make sure that the shaved-ice stand is in compliance with their regulations.)*

2. The applicant may request a construction inspection to receive comment on the construction or modification of the shaved-ice stand.
3. A pre-opening inspection is required for a new or an existing (previously approved) shaved-ice stand before it is issued a permit. During this inspection an assigned inspector will verify that the construction and materials used are in compliance with Health Regulation #5. The owner or person-in-charge of the shaved-ice stand shall be prepared with copies of all documentation required (see documents required on page 7). They will also be required to have all the materials needed for day to day operation which include: hand soap, water, single use towels (paper towels), coolers or freezers, chemical sanitizer with sanitizer test strips, hair restraints, disposable food handling gloves (if needed) as well as other barriers for bare hand contact i.e. tongs, and dispensing equipment. The owner or person-in-charge will demonstrate the functionality of all equipment. A permanent hand washing station with acceptable water pressure is to be installed with hot

and cold water available through a mixing valve. In addition, the owner or person-in-charge will demonstrate basic food safety knowledge to minimize the incidence of food borne illnesses. When the minimum requirements are met, an annual permit will be issued.

4. Basic construction requirements include:
  - i. Each shaved-ice stand shall be constructed to minimize vermin, dust, dirt, splash, and spillage encountered under normal use. It shall also be easily cleaned, maintained, and serviced. Surface materials in the food contact areas shall be smooth, easily cleanable, nonabsorbent, corrosion resistant, nontoxic, and stable under normal use conditions. None of the material may impart an odor, color, taste, or contribute to the adulteration of food.
  - ii. The business name shall be plainly indicated and easily readable on the exterior of the shave-ice stand. Lettering shall be a minimum of four (4) inches in height.
  - iii. A shaved-ice stand shall have a hand sink.
  - iv. A shaved-ice stand shall have a three compartment sink in the shaved-ice stand or at the commissary. The three compartment sink shall accommodate (completely submerge) the largest utensil to be wash, rinsed and sanitized. The three compartment sink shall be equipped with drain boards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that accumulate during hours of operation.
  - v. Each shaved-ice stand shall have a potable water (food grade approved) tank. (A shaved-ice stand may use multiple tanks and the tanks shall be a minimum of five (5) gallons each.) The tank is to be safe, durable, corrosion resistant, non-absorbent and finished to have a smooth and easily cleanable surface. The inlet or filling point of the tank shall be on top of the tank. The tank shall be sloped to an outlet that allows complete drainage of the tank. The tank shall be large enough to supply an adequate amount of water whenever the shaved-ice stand is in operation. A minimum of ten (10) gallons storage capacity in the potable water system is required for shaved ice stands for the purposes of hand washing. A shaved-ice stand that is equipped with three compartment sink shall have a sufficient capacity to meet the peak water demands; i.e. be able to fill the three compartment sink at a minimum of one time per operation period and have ten (10) gallons available for hand washing during the same period. Thirty (30) gallons is recommended. Multiply length, width and height (in inches) and divide by 231 to calculate the size of a potable water tank in gallons. Example:  $12 \times 12 \times 17 / 231 = 10.6$  Gallons  
*It is recommended that the water tank be removable for ease of washing, rinsing and sanitizing.*
  - vi. When filling potable water tanks, a food grade approved water hose or food grade portable supply tank shall be used (garden hoses are not food grade). The hose or the portable supply tank is to be used for this purpose only. When the hose is not in use, the hose ends (inlet and outlet) must be capped or connected to each other.
  - vii. Each shaved-ice stand shall have a wastewater storage tank with minimum holding capacity being 15% larger than the potable water tank(s). A shaved-ice stand may have single or multiple tanks with a minimum of five (5) gallons per tank. If a thirty (30) gallon potable water tank is used a minimum wastewater tank capacity of thirty four and a half (34.5) gallons is required. To calculate wastewater holding tank

capacity, multiply the gallons of the potable water tank by 1.15. Example: 30 gallons x 1.15 = 34.5 gallons. If the inlet or filling point of the tank shall be on top of the tank. The wastewater tank is not removable from the shaved-ice stand, it shall have a spigot or other valve of adequate size located at the lowest point in the tank to allow for complete drainage.

- viii. The water from the three compartment sink faucet must be greater than 110 degrees F in order to maintain 110 degrees F in the wash solution.
- ix. A water heating system shall be supplied and be of adequate capacity and recovery rate to furnish a continuous supply of hot water. Hand sinks shall have a minimum temperature of 100 degrees F within 30 seconds of opening the faucet. Three compartment sinks shall maintain a wash solution of a minimum of 110 degrees F.
- x. A splashguard that is made of waterproof material and is at least 12 inches high must be installed between the hand sink and the food preparation area if adjacent to each other.
- xi. Adequate lighting must be available. Minimum lighting requirements are 50 foot candles for food preparation areas (lighting must be bright enough to fully illuminate preparation areas). Supplemental lighting must be available during hours when natural light does not meet this minimum requirement. All light bulbs must be shatter-proof or shielded.

### **Required Documents and Information**

In addition to completing an application, the following documents must be available before a permit will be issued. If the document ends with an asterisk (\*) it must be present on the shaved-ice stand for verification during inspections by SLVHD. Copies of documents are acceptable.

- 1. Commissary agreement\* with an approved facility that complies with Health Regulation #5. This form is available at the SLVHD Bureau of Food Protection.
- 2. Restroom agreement\* for a restroom that is within 500 feet of the vending location. The restroom must be open during all hours the shaved-ice stand is open. This form is available at the SLVHD Bureau of Food Protection.
- 3. Written waste water disposal plan\* for all gray water including the sanitizing water and melted ice from coolers or ice chests.
- 4. Food handler cards\* for each employee.

### **Daily Operation Requirements**

The following list is a summary of important practices shaved-ice stand operators must comply with.

- 1. **The following shaved-ice stand activities are not allowed at home:**
  - i. Mixing of shaved-ice topping/syrup
  - ii. Portioning
  - iii. Storage of foods such shaved-ice toppings, syrups or ice
  - iv. Storage of equipment including single use items
  - v. Cleaning of equipment or
  - vi. Other activities related to the shaved-ice stand

**If any of these activities are performed at home the shaved-ice stand may be closed by the SLVHD as an imminent health hazard.**

2. A shaved-ice stand operator shall utilize the commissary on a regular basis for the purposes maintenance activities such as equipment cleaning, stocking, storing, discharging liquid or solid wastes, refilling water tanks and ice bins, water tank maintenance, and boarding food and supplies in the transportation vehicle. Failure to do this may lead to the facility being closed by SLVHD as an imminent health hazard.
3. A shaved-ice stand that is not vending at a permanent location for the season shall be stored at the commissary when not in use such as in between temporary events; i.e. a three day festival. During a temporary event, a shaved-ice stand is not required to return the commissary daily as long as the shaved-ice stand is utilizing the commissary during regular operational activities. In all times of non-operation, a shaved-ice stand shall be protected to prevent contamination from vermin, dust, dirt, and splash.
4. The potable water tank(s), pump and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, periods of non-use and at a minimum of every 30 days.
5. The hand sink shall be operational at all times of operation. Failure to have an operational hand sink shall result in closure of the shaved-ice stand and deemed an imminent health hazard. Hand sinks are to be used by the shaved-ice stand operators for hand washing only.
6. Hand washing must take place before food handling begins. Hand washing shall occur after touching bare human body parts other than clean hands and clean exposed portions of arms, after using the toilet room, after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, drinking, handling money or soiled equipment and utensils. Additionally hand washing shall take place during food preparation, as often as necessary to remove soil and contamination, before donning gloves and after engaging in other activities that contaminate the hands.
7. There shall be no contact of ready-to-eat foods with bare hands. Ice is considered a ready-to-eat food and shall not be handled with bare hands.
8. Shaved ice stands shall be equipped and set-up with sanitizer solution, sanitizer wiping cloths, and sanitizer test strips.
9. Shaved-ice stands that do not have a three compartment sink for washing, rinsing and sanitizing shall have adequate numbers of utensils available at the stand to cover the period of operation before returning to the commissary.
10. Supplies of food, utensils, equipment and single-use items that are not contained in the shaved-ice stand during transportation and operation must be stored and protected in food grade containers.
11. Storage of food, equipment, and single-use articles is prohibited in a private vehicle when a shaved-ice stand is not in operation.
12. A shaved-ice stand shall only provide single-use articles for use by the consumer.
13. Sewage and other liquid wastes from a shaved-ice stand shall be disposed of at a SLVHD approved location. If waste water is found to be illegally dumped, such as dumping down a storm drain, a fee of \$1,000.00 to \$2,000.00 will be assessed for each reoccurring violation.
14. The waste water tank shall be thoroughly flushed and drained in a sanitary sewer.
15. A shaved-ice stand shall operate on a concrete, asphalt or surface that has been effectively treated to minimize dust and facilitate maintenance.

### **Personal Health and Cleanliness**

The permit holder shall require food employees to report information about their health to the person-in-charge as it pertains to anyone of the following: Norovirus, Salmonella, Shigella, E-Coli or Hepatitis A virus. Additionally, a food employee shall be restricted from working if they have any of the following symptoms: diarrhea, vomiting, jaundice, or sore throat with fever. If a food employee has a lesion containing pus such as a boil or infected wound that is open or draining and is on the hands or wrists, the employee shall be restricted from working or shall wear an impermeable cover, finger cot, and a single-use glove.

### **Commissary Requirements**

A shaved-ice stand owner is required to have a contract with a SLVHD approved commissary. The commissary will be where a shaved-ice stand and transportation vehicles return for maintenance activities such as equipment cleaning, stocking storing, discharging liquid or solid wastes, food preparation, refilling water tanks and ice bins, and boarding food. If the shaved-ice stand has adequate facilities to accommodate normal functions of the commissary some items may not be required at the commissary.

The following are requirements of SLVHD for a facility to qualify as a commissary.

1. A commissary shall be in good standing with SLVHD. A permitted facility acting as a commissary with a history of multiple critical violations is subject to have SLVHD revoke its commissary status.
2. A commissary shall have adequate storage space for food, single use items, cleaning supplies, equipment and utensils. The available space inside the commissary will determine the number of shaved-ice stands the commissary may service.
3. A commissary shall have adequate storage space for all shaved-ice stands.
4. Commissaries that contract with multiple shaved-ice stands or other food vendors shall have a clearly designated storage space for each vendor and each space will bare the names of each vendor. The commissary contract with each shaved-ice stand owner shall stipulate that the commissary management shall have access to these units for purposes of SLVHD conducting inspections. If the shaved-ice stand vendor is not present, the commissary management will accompany SLVHD inspectors during inspections.
5. A commissary shall provide an adequate number of three compartment sinks and hand sinks to accommodate the vendors during the busiest times at the commissary. Three compartment sinks shall accommodate (completely submerge) the largest utensil and equipment to be washed, rinsed and sanitized.
6. If a commissary provides a "Cleaning Area" where shaved ice stands are washed, this area must be in compliance with all environmental laws, making sure that all waste water is properly disposed to the sanitary sewer. If waste water is found to be draining down a storm drain, a fee of \$1,000.00 to \$2,000.00 will be assessed for each reoccurring violation.
7. Each commissary reserves the right to determine its hours of operation. All food vendors are responsible to choose a commissary that will allow full access to its facilities during the food units' hours of operation.

### **Permit Renewal Guidelines for Shaved-ice Stands**



Annual renewal of a shaved-ice stand permit is required. A shaved-ice stand owner will receive a bill for renewal by mail. All “Required Documents and Information” listed on page 7 with updates must be brought to the Bureau of Food Protection. The shaved-ice stand owner shall keep SLVHD informed of any change in contact information; i.e. address, phone number(s), commissary, shaved-ice stand operating location and ownership change. Failure to comply will lead to a suspension of the shaved-ice stand permit.

**Penalty Procedures for All Permitted Food Facilities Identified as  
Imminent Health Hazards**

The SLVHD has a vested interest in local public health, and together with its enforcement division of Environmental Health and the Bureau of Food Protection is poised to provide preventive education and enforcement of the food safety policies as established in Health Regulation #5. **The Bureau of Food Protection has established new procedures and penalties for food facilities that consistently are found to be imminent health hazards and therefore issued closures notices to cease food operations.**

1. Receipt of the first permit suspension shall result in suspension of food service operations until the SLVHD has verified that identified violations of Health Regulation #5 have been corrected. A follow-up inspection with a \$100.00 fee will be conducted to verify violations before reopening.
2. Receipt of a second permit suspension shall result in suspension of food service operations for a period of a minimum of seven days. A follow-up inspection with a \$100.00 fee will be conducted to verify violations before reopening.
3. Receipt of a third permit suspension may result in the food establishment permit being revoked. The owner of the said establishment may be restricted from operating a food establishment for a minimum of 180 days, at which time the owner may be required to make application and submit a plan review etc., as if the establishment was a new establishment. Additional requirements may be required by the SLVHD for approval of the establishment to operate.