



Outdoor Cooking in a Food Service Operation

Requirements for Permanent Outdoor Cooking

This document is intended to provide guidance to local health districts regarding food service operations that wish to set up outdoor cooking areas.

When considering licensing of an outdoor cooking area, it is recommended that local health districts consult with the building, fire, and zoning officials in its jurisdiction. This needs to be done to determine whether outdoor cooking would be prohibited by these agencies.

Below are some Ohio food service laws and rules to review for outdoor cooking operations:

Ohio Administrative Code (OAC) 3701-21-01 (I) states: "Food Service Operation means an operation as defined in section 3717.01 of the Revised Code. Two or more food serving areas, each supplied by separate kitchens, are considered two or more separate food service operations and must be licensed individually even though located in the same building or structure."

Ohio Revised Code (ORC) 3717.43 (F) states: "The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation..."

OAC 3701-21-03, Facility layout and equipment specifications states: "No person, firm, ...shall construct, install, provide, equip, or extensively alter a food service operation until the facility layout and equipment specifications have been submitted to and approved in writing by the licensor ..."

OAC 3717-1-09 (B) states: "Food equipment that is acceptable for use in a food service operation...shall be approved as specified under rule 3717-1-04.1 (KK) of the Administrative Code."

OAC 3717-1-04.1 (KK)(1) states: "... food equipment that is acceptable for use in a food service operation... shall be approved by a recognized food equipment testing agency."

OAC 3717-1-04.1 (KK) (2) also states: "... the licensor may approve the use of food equipment ...that have not been approved by a recognized testing agency if the equipment demonstrates compliance with this chapter."

The complexity of the outdoor cooking operation will determine whether it should be licensed separately from an existing food service operation. In some instances, the outdoor cooking operation could be considered an extension of the existing licensed facility and no additional licensing would be required. The scope and frequency of support from the existing operation should be determined at the time of plan review and based on the menu, the number of anticipated customers, and the frequency of use of the outdoor cooking area. The more dependent the outdoor cooking area is on the existing food service, the less equipment would be needed at the outdoor cooking area. If it is independent of the existing facility, then additional licensing should be considered based upon the definition of a food service operation referenced above. For example, if the outdoor cooking area is washing utensils, storing, preparing, cooking, holding or serving food and the payment is made for the food at the outdoor location, it should be considered as a separate operation and licensed as such. It is important that each operation be evaluated individually when determining approval and/or licensing requirements.

Listed below are additional factors that must be considered when evaluating outdoor cooking areas for approval and/or licensing:

- Provide adequate access to utilities in the outdoor cooking area as necessary.
- Outdoor cooking equipment used for the food service operation should be approved by a recognized testing agency.
- An approved cover or lid should be provided for grills, smokers, etc.
- Outdoor cooking equipment should be located on a smooth, easily cleanable surface.
- If there is cooking only in the outdoor cooking area, walls may not be required. If there is any food preparation, service, storage, and/or holding, adequate protection of food and food contact surfaces must be provided. Examples for adequate protection may include tents with sides, screening, air curtains, vermin resistant containers, etc.
- Overhead protection includes: a tent or canopy, awning, table type umbrella, or a permanent structure. Keep in mind that the fire jurisdiction may not permit open grilling under a tent structure. Therefore, a grill/smoker outside (i.e. adjacent to) the tent with a cover or lid may be an alternative.
- If the outdoor operation is limited, the type of flooring for consideration includes - if graded to drain - concrete or machine-laid concrete.
- Adequate hot/cold storage and holding facilities are provided for food products.
- Provisions are provided for in-use storage of equipment and utensils.
- Foods stored outside during cooking, preparation, or service must be protected from contamination by use of approved, covered containers.
- If handling and preparing food in the outdoor cooking area, food and non-food contact surface areas must be smooth and easily cleanable and cleaned and sanitized as specified in Code.
- Facilities for hand washing, including hot and cold running water under pressure with soap, towels, and a waste basket, must be easily accessible. If the outdoor cooking area will be included as part of an existing licensed facility, review of the procedures for preparing, cooking, or holding of food products in the area will determine whether separate handwashing facilities must be provided. If the outdoor cooking area will have its own license, separate handwashing facilities must be provided.
- Adequate storage for in-use wiping cloths is provided to keep them clean and protected from contamination.
- Provisions for cleaning of equipment and utensils: warewashing facilities inside the food service operation may be considered for cleaning/sanitizing outdoor equipment/utensils if the warewashing facilities are conveniently accessible at the necessary frequency during all hours of operation.
- A probe thermometer to determine that the required food temperatures are being attained must be available.
- Adequate lighting by artificial (or natural means) must be provided; the time of operation may be considered, and limitations placed on the license if lighting is inadequate.
- Facilities must be provided for the storage of the outdoor cooking equipment when not in use, to protect it from contamination (ex: weather, rodents, vermin, etc.).
- Provisions for the proper disposal of wastewater and waste products must be provided.
- An adequate number of toilet facilities shall be accessible to employees.
- The outdoor cooking area should be secured to prevent unauthorized access to food, equipment, utensils, and related items when employees are not present.

This list should not be construed as all-inclusive. The complexity of the outdoor cooking operation will determine what factors should be considered when approving such an operation.

If you have additional questions, please contact the Ohio Department of Health Food Safety Program at 614-644-7416 or foodsafety@odh.ohio.gov.