

# Food Service Licensing, Regulation, and Enforcement

## Guideline

Revision Date: 7/9/2021

**Applies To:** Food service operations at the University of Michigan.

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The Guideline is issued by the Department of Environment, Health & Safety to provide guidance and consistency in management of food service operations at the University of Michigan.

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## Summary

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This Guideline provides standard procedures for the regulation of food service operations at the University of Michigan Ann Arbor Campus and the Health System.

## Scope

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This Guideline addresses fixed, special transitory, mobile, and temporary food service operations on University property and small group housing kitchens associated with the Office of Greek Life and the Inter-Cooperative Council.

## Reference Regulations

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- [Michigan Food Law \(Act No. 92 of 2000, as amended\)](#)
- [2009 Michigan Modified Food and Drug Administration \(FDA\) Food Code](#)
- “Agency Agreement” between The University of Michigan, Washtenaw County Health Department (WCHD), and the [Michigan Department of Agriculture and Rural Development](#) (MDARD), dated April 19, 2010, designating EHS as the agent for regulating food service operations on University property.
- “Inspection and Certification of Group Kitchen Facilities Agreement” between The University of Michigan and the City of Ann Arbor, designating EHS as the agent for inspection of kitchens in small group housing units registered with the Interfraternity Council, the Multicultural Greek Council, the National Pan-Hellenic Council, the Panhellenic Association, and the Inter-Cooperative Council.
- [Chapter 65 of the Ann Arbor City Code](#)

## Definitions

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TERM	DEFINITION
Core Item	A provision of the Food Code that is not designated as a Priority Item or a Priority Foundation Item.
Fixed Food Service Establishment	A food service establishment with a permanent location. This is an operation where food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided to the public.
HACCP Plan	Written documentation that outlines the Hazard Analysis Critical Control Point principles for a specific individual food service operation.
Mobile Food Service Establishment	A food service establishment operating from a vehicle, trailer, or watercraft which is not fully equipped for full food service and, therefore, must return to a licensed commissary at least once every 24 hours for servicing and maintenance. The commissary license number must be recorded in the appropriate place in order for this application to be processed.
Person-in-Charge (PIC)	The individual present at the food establishment who is responsible for the operation.
Potentially Hazardous Food (Time/Temperature Control for Safety Food)	A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. Potentially hazardous food includes food of an animal origin that is raw or heat-

TERM	DEFINITION
	treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms.
Priority Item	A provision of the Food Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.
Priority Foundation Item	A provision of the Food Code whose application supports, facilitates or enables one or more Priority Items.
Sanitarian	EHS staff members responsible for food safety issues on campus and the health system.
Small Group Kitchen	The City of Ann Arbor requires the inspection and certification of kitchens in fraternity, sorority, and cooperative housing units where food is prepared and served on site to members and guests. Environment, Health & Safety (EHS) provides these inspections in accordance with the University of Michigan (UM)/City of Ann Arbor "Inspection and Certification of Group Kitchens" agreement.
Special Transitory Food Unit	A temporary food establishment that is licensed to operate throughout the state without the 14-day limit, or a mobile food establishment that is not required to return to a commissary.
Temporary Food Service License	A food service establishment, which operates at a fixed location for a temporary period of time not to exceed 14 consecutive days.
Variance	A written document issued by EHS to authorize a modification or waiver of one or more of the requirements of the Food Law if, in the opinion of EHS, a health hazard or nuisance will not result.

## Responsibility

### *U-M Food Service Managers*

- Cooperate with EHS in all aspects of food safety as outlined in this Guideline.
- Adhere to the requirements of the Michigan Food Law.

### *EHS*

- Administer all applicable sections of the Michigan Food Law on University property as provided for in the "Agency Agreement" and "Inspection and Certification of Group Kitchen Facilities Agreement" documents.
- Serve as a University liaison for local, county, state, and federal agencies regarding food safety issues.
- Maintain the food service inspection reports on the EHS webpage.
- Provide training and technical assistance to food service personnel.
- Review and revise this Guideline on an annual basis.

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## Provisions

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No person shall serve potentially hazardous food to the public unless that food has been prepared in a licensed facility. Any potentially hazardous food offered to the public requires licensing. However, no license is required when one of the following conditions is met:

- If food has been prepared in a food establishment licensed by the Michigan Department of Agriculture and Rural Development (MDARD), transported in a safe manner, and held at proper temperatures at a temporary serving location, no additional license is required, provided that no food preparation occurs at the temporary serving location and the food is transported and served by employees of the food establishment.
- A group may provide food for its own members in connection with its own meeting, party, picnic or other function where public participation is not intended.
- A person owning or operating a device that dispenses packaged nonperishable foods or beverages; or bulk gum, nuts, and panned candies.
- A temporary food establishment with no food preparation using only single-service articles and serving only non-potentially-hazardous food or beverage.
- A retail establishment that only sells prepackaged, non-potentially hazardous foods and offers only an incidental amount of food, such as the sale of single-service packages.
- A charitable, religious, fraternal, or other nonprofit organization operating a home-prepared baked goods sale in connection with its meetings or as part of a fund-raising event.
- A food operation located in a boarding house, fraternity or sorority house, or other facility where the facility is the primary residence for the occupants and the food operation is limited to serving meals to the occupants as part of their living arrangement.

Food service operations conducted on University property, including those described above are subject to inspection by EHS, regardless of whether a license is required.

Food service licenses are not transferable to person or place and must be posted in a conspicuous area within the facility.

## Fixed Food Service Establishment

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The following information applies to operators of fixed food service establishments at The University of Michigan:

### ***Licensing***

A food service establishment at The University of Michigan may not operate without a valid license issued by MDARD though EHS. An application for a license must be submitted at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current license for an existing facility.

### ***Plan Review***

Any person desiring to open a fixed food service establishment, remodel an existing establishment, or provide equipment or menu changes must submit a Plan Review Packet (see Appendix A) to EHS along with architectural plans and equipment specifications. Upon receipt of a properly completed application, EHS will determine if the proposed location complies with the Michigan Food Law and University guidelines. See the [University of Michigan Design Guidelines](#) for requirements.

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EHS will consult with and request the assistance of the Washtenaw County Health Department, Environmental Health Division Plan Review Specialist whenever necessary.

Enforcement procedures (see below) could result if construction activities or menu changes are initiated prior to Plan Review approval.

### ***License Issuance or Denial***

If a food service establishment is found to comply with applicable rules and regulations, a license will be issued. A facility may be eligible for a limited license if, in the opinion of EHS, it will not constitute a threat to the public health or safety. Such limitations will be clearly explained in writing. However, if an establishment does not qualify for a license, the applicant will be notified in writing that the application for a license is denied. The notification will include an explanation of the deficiencies constituting the basis for denial, suggested remedial action, if any, and information on administrative review procedures.

### ***Variance***

The requestor of a variance from the Michigan Food Law must provide EHS with the following information:

- A written statement of the proposed variance, citing the section numbers from the Michigan Food Law.
- An analysis of the rationale for how the potential public health hazards and nuisances will be addressed by the proposal.
- A HACCP Plan, if required.

### ***Inspections***

Unannounced inspections of a fixed food service facility will be conducted at least once during each six month period of operation; seasonal facilities and facilities that are in operation nine or fewer months per year shall be inspected at least once during the period of operation. Additional inspections may be conducted to verify that Priority Items and Priority Foundation Items were corrected, if the facility is implicated in a potential foodborne illness, in response to a complaint, or if the facility appears to be a high risk operation.

A report identifying the violations found during the inspection will be issued to the person in charge. [Inspection reports](#) are maintained on the EHS webpage.

EHS will be granted access to all areas of a food service facility, and may examine, take samples of, seize, condemn, or otherwise restrict the use of food, equipment, or utensils in accordance with the Michigan Food Law.

### ***Enforcement Procedures***

There are three types of violations: Priority, Priority Foundation, and Core. A Priority violation is an item that is more likely than other violations to contribute to food contamination, illness to humans, or an environmental health hazard. Priority violations are required to be corrected at the time of inspection. A Priority Foundation violation is an item whose application supports, facilitates, or enables one or more Priority items. Priority Foundation violations must be corrected immediately or within 10 days if the Priority Foundation violations do not create an immediate health hazard. Core violations are less hazardous. The time for correction of Core violations is typically limited to 90 days. EHS may approve a compliance schedule that extends beyond the time limits specified above, if a written schedule of

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compliance is submitted by the license holder and no health hazard exists or will result from allowing an extended schedule of compliance. EHS may provide on-the-spot training for food service workers, supervisors, and managers whenever Priority and Priority Foundation Items are identified. Such training will be documented and may be considered as part of the corrective action.

EHS may require more extensive food safety training for food service managers, supervisors, and workers if repeated Priority and Priority Foundation Items are identified, or if the facility is implicated in a suspected foodborne illness. Such training will be documented and will be considered as part of the corrective action.

When repeated Priority and Priority Foundation violations are identified in a licensed food service operation, the EHS Sanitarians will inform their supervisor, Manager of Operational Health & Safety (OHS) and appropriate enforcement action will be taken, as follows:

1. An informal conference may be scheduled with the EHS Sanitarians, the OHS Manager, and the Food Service Manager to assure that the food service facility manager(s) understand the issues involved. The result of this conference would typically require additional training conducted by the Sanitarians for the food service workers and/or management to assure that all personnel understand their roles in preventing foodborne illness. Additionally, the food service manager would need to supply a written plan of corrective action to EHS.
2. An *Order to Immediately Discontinue Food Service Operations* may be issued by EHS if it is determined that continued operation of a food service establishment constitutes an immediate and substantial hazard to the public health. The facility manager will be instructed to immediately abate the hazard or discontinue food service operations. This action may affect the entire facility, or only a specific area of operation within the facility, and may be for a specific or an indeterminate period of time. Such an order may be issued in connection with a suspected foodborne illness.
3. An *Order to Suspend License* may be issued by EHS if:
  - Efforts to correct a repeated critical violation are unsuccessful; and
  - The food service manager has been notified in writing that he or she must meet with the OHS Manager to provide an explanation of what action will be taken to correct the problem; and
  - There has been no response to EHS within 72 hours.
4. An *Order to Limit the License* may be issued by EHS if:
  - EHS determines that there are inadequate or insufficient facilities, equipment, procedures, or personnel to handle the volume, variety, or type of foods stored, prepared, displayed, or served; and
  - The food service manager has been notified in writing that he or she must provide an explanation of what action will be taken to correct the problem; and
  - There has been no response to EHS within 72 hours.

The following persons shall be notified of all Orders to Immediately Discontinue, Suspend, or Limit food service operations at a particular location:

- Associate Vice President for Facilities and Operations
- Executive Director of Environment, Health & Safety
- Washtenaw County Environmental Health Director

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## 5. *Administrative Review Process*

During any of the above enforcement actions, the food service manager and/or their supervisor(s) may request an Administrative Review of the situation. This request may be verbal or in writing. The OHS Manager will conduct the Administrative Review with representatives of all affected parties in attendance. A representative from the Washtenaw County Environmental Health Division may be invited to attend. During the review available data will be examined, root causes identified, and an appropriate course of action selected. A written agreement will be developed describing necessary actions with completion dates. Failure to reach an agreement will result in the issuance of an Order to Limit, Suspend, or Revoke the license.

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## Temporary Events

### ***Required Permissions***

All outdoor events and sales of any kind on University grounds must have prior approval of the Associate Vice President for Facilities and Operations (AVPFO), with the exception of Nichols Arboretum and Athletics. These areas are managed by their own guidelines. The [Guideline for Use of University Grounds](#) provides information for making requests or email: [fo-events@umich.edu](mailto:fo-events@umich.edu) or call 615-9075.

- Events planned in the following outdoor areas should be pre-scheduled, as noted below prior to requesting AVPFO permission:
  - Central Campus Diag - Office of Student Activities and Leadership, 2209 Michigan Union at 763-5900.
- North Campus Diag - Pierpont Commons Office at 764-7544.
- Palmer Field or Elbel - Recreational Sports Office, 401 Washtenaw Ave. at 763-3084.

Indoor events require permission from the building manager, director, dean, department head or designated representative.

### ***Licensing***

For all indoor and outdoor events, EHS will require verification of approval from the applicable offices, as stated above, before issuing the Temporary Food License.

Notify EHS at 647-1142 at least seven (7) days prior to any indoor or outdoor temporary event where potentially hazardous food will be served to the public. A *Temporary Food Service License* will be issued at the event by an EHS representative, before food sales are open to the public.

At the discretion of EHS, food service sanitation training may be a condition of licensure of a temporary food establishment. Inspections may be conducted at any time during the period of operation. EHS may limit the menu or place other limitations on the license. Any violations found during the inspection must be corrected. The license may be suspended or revoked, or specific items removed from the menu if violations are not corrected immediately.

### ***Wastewater***

Waste water must be collected for disposal in a sanitary sewer. No discharges to storm water drainage systems are allowed during temporary events.

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## Mobile Food Carts and Kiosks

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Mobile food carts and kiosks, that do not fall under the classification of a temporary event, will be licensed as fixed, special transitory, or mobile food establishments based on the plans of the operator, the foods to be offered, and the plans that are submitted during the application and plan review (see Appendix A) processes. Mobile food carts and kiosks must meet the structural and operational criteria established by the Michigan Food Law and the 2009 Michigan Modified FDA Food Code.

The use of mobile food carts and kiosks may need to meet the requirements and procedures indicated in the Temporary Events section.

## Small Group Kitchens

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Kitchens in off campus housing units affiliated with the UM Office of Greek Life and the Inter-Cooperative Council must comply with the Small Group Housing Kitchen Guidelines (see Appendix B) issued by EHS. A certificate of compliance will be issued jointly by EHS and the Ann Arbor City Housing Inspection Bureau, following a satisfactory annual kitchen inspection by EHS. Additional unannounced inspections may be conducted at the discretion of EHS.

EHS may require the person responsible for food safety to attend a food safety training session if a critical violation is not corrected within the specified time period; or if identical critical violation(s) appear on two consecutive reports; or if the facility is implicated in a suspected foodborne illness. EHS will notify the unit of the date, time, and location of such training.

If EHS determines that conditions are unsafe to prepare food in a small group housing kitchen, EHS may temporarily close the kitchen under the authority of the “Inspection and Certification of Group Kitchen Facilities Agreement” and “Chapter 65 of the Ann Arbor City Code” and place a notification to that effect in a conspicuous area in the facility. Food service operations may resume only after EHS determines that unsafe conditions have been corrected satisfactorily.

Failure to comply in a timely manner may result in suspension of kitchen certification. When this occurs, the following will be notified:

- Associate Vice President for Facilities and Operations
- Executive Director of Environment, Health & Safety
- Washtenaw County Environmental Health Director
- Ann Arbor Housing Inspection Bureau
- Director of Fraternity and Sorority Life or Inter-Cooperative Council
- The fraternity or sorority national office

The Ann Arbor Housing Inspection Bureau may consider further action up to and including rescission of the occupancy permit; EHS will coordinate with the Ann Arbor Housing Inspection Bureau and the Washtenaw County Environmental Health Division.

If kitchen certification has been suspended, it is the responsibility of the kitchen manager or another person responsible for food safety to complete the necessary cleaning, repair, and/or maintenance. The housing unit must contact EHS to schedule the necessary re-inspection prior to the re-opening of the kitchen for food service purposes.



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Food prepared in fraternity, sorority, or cooperative housing unit kitchens must not be transported to another site for service. Individual residents, however, are permitted to make arrangements to take their meals at the house of their choice.

## Technical Support

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All referenced guidelines, regulations, and other documents are available through EHS at (734) 764-1142.

## Attachments

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- Appendix A - [Plan Review Packet for Food Establishments](#)
- Appendix B - [Small Group Housing Kitchen Guidelines](#)

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