

15A NCAC 18A .2659 PERMITS

(a) No permit for a food establishment shall be issued to a person until an evaluation by the regulatory authority shows that the establishment complies with this Section. However, the regulatory authority shall allow a period of 210 days after the date of issuance to comply with the certified food protection manager requirements in Sections 2-102.11 and 2-102.12 of the Food Code as amended by Rule .2652 of this Section.

(b) Upon transfer of ownership of an existing food establishment, the regulatory authority shall complete an evaluation. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment problems that do not represent a threat to public health or no certified food protection manager is on the premises. The transitional permit shall expire 180 days after the date of issuance unless suspended or revoked before that date and shall not be renewed. Upon expiration of the transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit or the food establishment shall not continue to operate.

(c) The regulatory authority shall impose conditions on the issuance of a permit or transitional permit if necessary to ensure that a food establishment remains in compliance with this Section. Conditions may be specified for one or more of the following areas:

- (1) The number of seats or consumers served.
- (2) The categories of food served.
- (3) Time schedules in completing minor construction items.
- (4) Modification or maintenance of water supplies.
- (5) Use of facilities for more than one purpose.
- (6) Continuation of contractual arrangements upon which basis the permit was issued.
- (7) Submission and approval of plans for renovation.
- (8) Any other areas necessary for a food establishment to remain in compliance with this Section.

(d) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has evaluated the food establishment and found that the violations causing the suspension have been corrected. If a permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has evaluated the food establishment and found it to comply with all applicable rules. The evaluations shall be conducted within 15 days after the request is made by the permit holder.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.