

Food Service at Licensed Farm Wineries in Albemarle County Fact Sheet

Objective: In an effort to provide as much clarity as possible to winery owners and operators, this frequently asked question (FAQ) sheet has been provided to help winery operations navigate through local and state requirements to assist in their overall business planning. Public health and safety questions are also addressed. Please note that these questions have been grouped under the Virginia Department of Health, the Virginia Department of Agriculture and Consumer Services, and the Albemarle County Zoning Division and Building Services Division.

Virginia Department of Health (VDH)

Do I need a food-service permit from VDH if I intend to prepare food for my guests and customers?

Yes. Whether you intend minimal food preparation such as soups, finger foods and salads or more complex food handling such as full course meals for larger events, a food-service permit is required to verify that the facility and the food storage/preparation methods meet public health standards. (This would also apply to pairing freshly made food with the wines to be served for tasting.)

What kinds of “public health standards” is VDH looking for?

Prior to issuance of a food-service establishment permit, the local health department will need to review the potable water supply, the capacity of the sewage disposal system, and the kitchen (finish materials, equipment, food storage/preparation methods and cold storage capacities). Your food-service building would also need to qualify for a Certificate of Occupancy (CO) from the local building official. Please reference the attached health department sheet for more detailed information. Additionally, a Person-In-Charge who understands the leading risk factors for food-borne illness and who can actively manage these risk factors is needed. (Leading causes of food-borne illness include: foods from unapproved sources, poor employee hygiene, improper hot and cold holding temperatures for foods, inadequate cooking temperatures and cross-contamination from unclean equipment). Contact the Thomas Jefferson Health District at (434) 972-6219 for water supply and sewage disposal questions or contact Eric S. Meyers, EH Supervisor for food-service related questions at the same phone number.

I am only interested in serving and selling commercially pre-packaged foods at wine tastings. Do I need anything from the local health department?

No, however the Virginia Department of Agriculture and Consumer Services (VDACS) may need to inspect your establishment as required by Virginia Food Laws. The level of risk associated with the foods being offered will affect the frequency of inspection. Contact Charles Spann, VDACS Inspector at Charles.Spann@vdacs.virginia.gov.

I want to serve food prepared off-site from a caterer. Do I need a food-service permit from VDH?

No, however for public health protection (and liability protection) you should verify that the caterer has a current food-service permit with VDH. If the caterer would need to use your water supply, this water supply would first need to be evaluated and approved by VDH. Likewise, your on-site septic system

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should be evaluated by a private engineer to verify that it has the capacity to handle larger gatherings of people (such as wedding parties). Overloading the septic system can lead to sewage on the ground's surface as well as sewage back-ups into the facility that could present an imminent health threat.

Virginia Department of Agriculture and Consumer Services (VDACS)

Local producers would like to sell their products at my winery (meats, cheeses, eggs, baked goods, herbs, etc.). Do I need anything from VDH or VDACS?

Yes. The Virginia Food Laws administered by VDACS would govern many of these foods, especially if they are packaged. The Virginia Food Regulations (VDH) requires that all foods served through a food-service establishment (under permit with VDH) be from approved sources (i.e. under VDACS or USDA inspection). As the owner, you should ask for proof of inspection from VDACS for all local products as a way to safeguard your customers.

Albemarle County Zoning Division

I understand that operating a “restaurant” at a farm winery is prohibited. What food service is permitted at wineries?

The level of food service allowed depends on whether it is for a farm winery event or for the regular business of wine sales and wine tasting. For the regular business of sales and tasting for visitors, limited food pairing (such as finger foods, soups, and appetizers) with wine is permitted.

What food service is permitted at farm winery events? Can I offer a menu to invited guests at weddings, corporate luncheons, charity events, etc.?

Yes. It is considered “usual and customary for invited guests at farm winery events to order food and be served full meals. This type of service is distinguished from the food service available to visitors because it is reserved only for invited guests and is directly associated with the event being held.

How does the Zoning Ordinance distinguish between operating a “restaurant” and providing finger foods, soups, and appetizers for visitors?

In the context of a farm winery, a restaurant would be operating if members of the public could regularly order food and be served without any connection to agritourism or wine sales whatsoever. The food service offered for tastings and farm winery events must be connected to agritourism or wine sales to be a permitted use. Please contact Lea Brumfield for questions related to Zoning at (434) 296-5832, ext. 3023.

Albemarle County Building Services Division

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Are there any Building Code considerations if I want to obtain a food service permit from the Health Department?

At many wineries, the structure that contains the tasting area was exempt from the Building Code as a "Farm Building." If the Health Department issues a food-service establishment permit, then this Building Code exemption no longer applies and a new building permit would need to be obtained so that a Certificate of Occupancy can be issued for the space. The process would not create any additional zoning requirements. Please contact Betty Slough for questions related to the Building Code at (434) 296-5832, ext. 3362.