



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

September 30, 2022

Mr. Tom DiBenedetto
Operation Manager – Building & Development Services & Code Enforcement
Town of Chapel Hill
405 Martin Luther King Jr. Blvd
Chapel Hill, NC 27514-5705

RE: Commercial Kitchen Definition

Mr. DiBenedetto:

This letter is in response to your request for formal interpretation dated September 1 that was received in NCDOI by email on September 12, 2022. Your request for formal interpretation states:

“Question 1: Since there is no specific definition for a commercial kitchen in the Building or Fire code, how does someone go about defining what one is? Question 2: Historically how has a commercial kitchen been defined?”

Remarks:

Code sections noted in this letter are referring to the 2018 edition of the NC Mechanical Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis:

The 2018 NC Mechanical Code and the 2018 NC Fire Code provides a definition of commercial cooking appliances.

COMMERCIAL COOKING APPLIANCES. Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbecues; rotisseries; and similar appliances. For the purpose of this definition, a food service establishment shall include any building or a portion thereof used for the preparation and serving of food.

Comments: Commercial cooking appliances are used for commercial purposes in food service establishments. Food service establishments shall include any building or portion thereof used for the preparation of food such as restaurants and institutional food service facilities.

Conclusions: Commercial kitchens are used in the preparation of food such as restaurants and institutional food service facilities where food is prepared for sale or is prepared on a scale that is by volume and frequency not representative of domestic household cooking.

Please call or email if you have comments or questions.

Sincerely,

A handwritten signature in black ink that reads "D.B. Rittlinger". The signature is written in a cursive style with a large, stylized "D" and "R".

David B. Rittlinger, PE, LEED AP
Chief Code Consultant
NCDOT-OSFM Engineering & Codes Division

cc: File
Bridget Herring, Chair - BCC
Mark Matheny, Vice-Chair - BCC
Michael Ali, Chair, Commercial Super Committee - BCC
Natalie McDonald, Mechanical Standing Committee - BCC

ATTACHMENT A



TOWN OF CHAPEL HILL
Building & Development Services
A Division of the Office of Community Safety
405 Martin Luther King Jr. Blvd
Chapel Hill, NC 27514-5705

phone (919) 968-2718 fax (919) 932-2954
www.townofchapelhill.org

Defining a commercial kitchen

Code: Commercial Kitchen Definition

Date: Sept 1, 2022

Section: N/A

Question 1:

Since there is no specific definition for a commercial kitchen in the Building or Fire code, how does someone go about defining what one is?

Answer:

Where there is not enough clarity on specific terms or definitions (not just commercial kitchens), the code official may research other reference material regularly accepted within the industry to help decide. *For example*, they may research Meriam-Webster Dictionary's most recent edition. They may go into other code disciplines such as Mechanical, Plumbing or Electrical or other reference standards such as ADA, UL, NFPA, ACI and others. We have also had several past interpretations from other stakeholders such as North Carolina Department of Insurance (NCDOI) and other state or federal agencies. From there the code official may make a reasonable determination with collaborative information within the industry.

Question 2:

Historically how has a commercial kitchen been defined?

Answer:

As it relates to commercial kitchens, we have relied on the definitions from the following resources: Mechanical code, Electrical Code, Plumbing Code, Residential Code, as well past interpretations from NCDOI. These definitions have certain overlap in language that allows us to view a space being considered a commercial kitchen that would contain certain components and elements. Those components & elements would be the following: a) The intent to receive compensation in exchange for services b) The installation of a permanent cooking appliance to cook food, not warm up food.

The installation only of plug-in appliances does not make a space a commercial kitchen. Appliances such as a microwave, warming cabinets for pretzels or hot dogs, etc. are not permeant cooking appliances to cook food but to warm up food. You would see such examples in gas stations, convenient stores, bar establishments to name a few. The installation of other items such as a hood, suppression systems or GFI's do not make a space a commercial kitchen. If at first a space meets the threshold of a commercial kitchen these items may be mandated. Someone can elect to install these and other items at their own discretion even if the space is not a commercial kitchen. The base requirement for a space must first meet a & b above to be considered a commercial kitchen. From there other requirements may be needed because it has met the definition of a commercial kitchen.



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Mechanical Code

COMMERCIAL COOKING APPLIANCES. Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbecues; rotisseries; and similar appliances. For the purpose of this definition, a food service establishment shall include any building or a portion thereof used for the preparation and serving of food.

Plumbing Code

[RB] KITCHEN. Kitchen shall mean an area used, or designated to be used, for the preparation of food.


Electrical Code





Kitchen. An area with a sink and permanent provisions for food preparation and cooking. (CMP-2)

Residential Code

[RB] KITCHEN. Kitchen shall mean an area used, or designated to be used, for the preparation of food.

RE: [External] PLEASE READ REVIEW & COMMENT. Request for an official interpretation

 Tom DiBenedetto <tdibenedetto@townofchapelhill.org>
To: Rittlinger, David B

 Reply  Reply All  Forward  ...
Fri 9/16/2022 10:31 AM

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Thank you David. Please feel free to give me a call on my cell if you need more clarity or background. (919) 636-0946

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Wednesday, September 14, 2022 1:10 PM
To: Tom DiBenedetto <tdibenedetto@townofchapelhill.org>; Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Morrison, Tim <Tim.Morrison@ncdoi.gov>; Yip, Pak <pak.yip@ncdoi.gov>; Chelsea Laws <claws@townofchapelhill.org>
Subject: RE: [External] PLEASE READ REVIEW & COMMENT. Request for an official interpretation

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Tom,
Good afternoon.
I am receipt of your requests for formal interpretations. Our office will provide formal interpretations letters to you as soon as possible.
Thank you.

David B. Rittlinger, PE, LEED AP
Code Interpretations Supervisor
Chief Code Consultant
Chief Mechanical & Fuel Gas Code Consultant
Engineering Division



david.rittlinger@ncdoi.gov
Link to free view of 2018 NC Codes
<https://codes.iccsafe.org/codes/north-carolina>

[External] PLEASE READ REVIEW & COMMENT. Request for an official interpretation

 Tom DiBenedetto <tdibenedetto@townofchapelhill.org>
To: Martin, Carl; Rittlinger, David B
Cc: Morrison, Tim; Yip, Pak; Chelsea Laws

 Reply  Reply All  Forward  ...
Mon 9/12/2022 4:03 PM

 You replied to this message on 9/14/2022 1:09 PM.
This message was sent with High importance.

 Commercial Kitchens interpretation and approach.pdf .pdf File  Asking for addition data.pdf .pdf File

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Carl and David,

I am sorry we missed you during our visit to Raleigh. Tim and Pak were gracious enough to adjust their schedules to meet with us. As an agreed follow up to that conversation with me, Chelsea, Tim, and Pak, we concluded the best approach is to request an official NCCOI interpretation on two items: 1) Definition a commercial kitchen 2) Duties and Responsibilities when asking for additional data in the field. As per our process we presented them to our internal review committee for discussion and determination. Our interpretations are attached that lays out a detailed thought process. We are asking for NCCOI to provide an official interpretation based on those determinations.

Our overall intent is to ensure consistent customer service by providing concise, well thought out clarity when making code decisions.



Tom DiBenedetto
Operation Manager
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t: 919-968-2719 | tdibenedetto@townofchapelhill.org
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