

MOBILE FOOD ESTABLISHMENTS (LOCAL ORDINANCE)



The Mobile Food Establishment rules located in the local ordinance were pulled directly from the Texas Food Establishment Rules (except for Sec. 58-239. - Operation requirements and Restrictions). The mobile food establishment rules are in effect for the following municipalities:

- City of Wichita Falls
- Unincorporated Areas of Wichita County
- City of Burk Burnett
- City of Iowa Park
- City of Electra

Mobile Food Unit means a vehicle-mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, and push carts) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A mobile food unit does not mean a stand or a booth.

- Retail Food Establishment Mobile (Restricted Operation) means a mobile food unit that only handles packaged food products such as pre-packaged novelty ice cream.
- Retail Food Establishment Mobile means a mobile food unit that handles and/or prepares unpackaged food items.

Central Preparation Facility also known as a commissary means an approved and permitted facility or space where food is prepared, stored, and packaged. This is also where water would be obtained and liquid waste disposed of.

Non-profit Organization means a corporation where no part of the income is distributable to a member, director, or officer of the corporation.



Sec. 58- 238. – Mobile Food Establishments



No person shall operate a mobile food unit who does not possess a valid, current mobile food unit permit from the regulatory authority as provided in this article. A valid permit sticker shall be displayed in an area visible to customers by a mobile food unit.

1. A person seeking a mobile food unit permit from the regulatory authority shall make application on a form provided by the regulatory authority, and shall provide all of the information listed in the following subsections as part of the application:
 - a. The name and address of the owner and operator
 - b. A copy of a current driver's license of the owner and operator, if the mobile food unit is to be powered by a motor or towed
 - c. If the applicant represents a corporation, limited liability company, association, or partnership, the names and addresses of the persons responsible for the entity's operations
 - d. The name under which the mobile food unit will be operated
 - e. A description of the type of food or the specific foods to be vended
 - f. The manner of mobile food vending operation to be conducted
 - g. A description of all vehicles to be used in the mobile food unit operation along with the license or registration and vehicle identification number of said vehicles, and a copy of the current certificate of liability for all said vehicles
 - h. The address and food establishment permit number of the central preparation facility for all vehicles to be used in the mobile food unit operation; and
 - i. Any other information required by the regulatory authority as it pertains to the safe operation of the mobile food unit.
2. Upon receiving a proper application for a mobile food unit permit, the regulatory authority shall inspect the location, food, equipment, vehicles and other reasonable matters concerning the mobile food unit operation and shall issue a permit and a sticker only if:
 - a. The application complies with the above section; and
 - b. The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and city ordinances governing the proposed mobile food unit operation.
3. Mobile food unit permits shall be valid for one year from the date of issuance unless suspended or revoked.
4. Mobile food unit permits shall not be transferred or assigned and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.

5. Every mobile food unit permit shall be renewed each year in like manner as the original permit application.
6. The regulatory authority shall make routine, unannounced inspections of mobile food units, outdoor food courts, and commissaries when applicable, to determine whether or not the operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this article, other applicable city ordinances and state and federal statutes, regulations and rules.
7. The regulatory authority may take and retain samples of food and other substances used in the preparation of food and examine it for the detection of unwholesome and deleterious qualities. The regulatory authority may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean or deleterious to health. The owner, operator or other person in charge of such food shall immediately and in the presence of the regulatory authority, destroy such adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean food as directed by the regulatory authority.
8. Denial of access by a food establishment to the regulatory authority shall be cause for suspension or revocation of the food establishment's permit.

Sec. 58- 239. - Operation requirements and Restrictions.



Mobile food units are subject to the following requirements and restrictions unless specifically addressed otherwise:

1. Mobile food units shall comply with all zoning regulations.
2. It shall be unlawful for a person to vend on any portion of city streets where the speed limit exceeds 30 miles per hour or on four-lane divided roadways.
3. It shall be unlawful for a person to vend from a mobile food unit within an "active school crossing zone" as defined by the Texas Transportation Code.
4. It shall be unlawful for a person to vend from a mobile food unit unless the mobile food unit is lawfully parked or stopped.
5. It shall be unlawful for a person to vend from the side of the mobile food unit facing moving traffic. Mobile food units shall vend from as near as possible to the curb or edge of the street.
6. It shall be unlawful for a person to vend from a mobile food unit to a person standing in the roadway.
7. It shall be unlawful for a person to stop a mobile food unit on the left side of a one-way street to vend.
8. It shall be unlawful for a person to vend from a mobile food unit on a street unless there is a clear view of the mobile food unit for a distance of 200 feet in each direction.

Sec. 58- 240. - Sanitation requirements for all mobile food units.



General:

1. Except as otherwise provided in this paragraph and in section (2) of this subsection below, the regulatory authority:
 - a. may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation;
 - b. may prohibit the sale of some or all time and temperature control for safety foods (TCS foods); and
 - c. when no health hazard will result, may waive or modify requirements of this section relating to physical facilities, except those requirements as specified in paragraphs (7)-(9) of this subsection, subsection (c)(1)(A)-(E) of this section, and FDA Food Code, Subparts 3- 401, 3- 402, 3- 403, 3404, and 3- 501.
2. Restricted operation.
 - a. A mobile food unit that serves only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are non-time and temperature control for safety food and are dispensed from covered urns or other protected equipment, need not comply with the requirements of this chapter, relating to the necessity of water and sewage systems nor to those requirements, relating to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.
3. Readily movable.
 - a. The regulatory authority prohibits alteration, removal, attachments, additions, placement, or change in, under, or upon the mobile food unit that prevents or otherwise reduces ready mobility.
 - b. A regulatory authority may require a mobile food unit to come, on an annual basis or as often as required, to a location designated by the regulatory authority as proof that the mobile food unit is readily moveable.
4. Initial Permitting Inspection.
 - a. The mobile food unit shall come to a location designated by the regulatory authority for inspection and permit approval. The mobile unit must be totally operable at time of inspection, including handwash facilities, warewash facilities, refrigeration, and waste water disposal. Required documentation to have available includes:
 - i. Certified Food Protection Manager Certification.
 - ii. Central Preparation Facility Authorization (if required). A signed letter of authorization is required, to verify facility use, if the central preparation facility is

not owned by the mobile unit operator.

- iii. Central Preparation Facility Inspection Report. A copy of the most current health inspection of the central preparation facility must be maintained on the mobile unit at all times.
- iv. Servicing Area Authorization. A signed letter of authorization may be required by the regulatory authority to verify service area use, if the servicing area is not owned by the mobile unit operator.
- v. Menu. A menu of all food items to be sold.

5. Single-service articles. A mobile food unit shall provide only single service articles for use by the consumer.

6. Equipment, numbers, and capacities.

- a. Cooling, heating, and holding capacities. Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under FDA Food Code, Chapter 3 - Food.
- b. Manual ware washing, sink compartment requirements.
 - i. A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils as specified in FDA Food Code, Paragraph 4-301.12(A).
 - ii. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils as specified in FDA Food Code, Paragraph 4301.12(B).
- c. At least one handwashing sink equipped to provide water of at least 38° C (100° F) through a mixing valve or combination faucet shall be available for convenient use by employees and properly provisioned with a supply of hand cleaning liquid, powder, or bar soap and disposable towels.

7. Mobile water system materials, design, and operation. Mobile food unit water systems shall meet the requirements of FDA Food Code, Part 5- 3.

8. Mobile food unit drinking water tank shall meet the requirements of FDA Food Code, § 5-303.13.

- a. Fill hose and water holding tank shall be labeled as " Potable Water."
- b. Drinking water in a mobile food unit holding tank shall be tested for contamination by sampling upon request by the regulatory authority.

9. Sewage and other liquid waste.

- a. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank for waste retention.
- b. A leak-proof sewage holding tank in a mobile food unit shall be:
- c. Sized 15% larger than the water supply tank
- d. Sloped to a drain that is 25mm(1 inch) in inner diameter or greater, equipped with a shut- off valve.
- e. All connections on the vehicle for servicing the mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable

water to the mobile food unit.

- f. Discharge liquid waste shall not be discharged from the retention tank while the mobile food unit is in motion.
- g. Flushing a waste retention tank shall meet the requirements of FDA Food Code, § 5-402.15.
- h. Removing mobile food unit wastes:
 - i. Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.
 - i. Liquid waste holding tank shall be labeled as "waste water."

10. Mobile food unit water and wastewater exemption.

- a. A mobile food unit that sells only pre-packaged food is exempt from the requirements of this chapter relating to water and wastewater.
- b. A mobile food unit that prepares food requiring no water for operations and no hand contact with food is exempt from the requirements of this chapter relating to water and wastewater if the required cleaning and sanitization equipment exists at its central preparation facility. Chemically treated towelettes for handwashing may be used as specified in FDA Food Code, Paragraph 5- 203. 11(C) if approved by the regulatory authority in advance.

11. Toilet rooms, convenience and accessibility. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

Central preparation facility:

- 1. Supplies, cleaning, and servicing operations. An mobile food unit shall operate from a central preparation facility or other fixed food establishment and shall report to such location daily for supplies, cleaning, and servicing operations.
 - a. Mobile food units shall keep a log of all visits to the central preparation facility.
- 2. Construction.
 - a. The central preparation facility or other fixed food establishment, used as a base of operation for an mobile food unit, shall be constructed and operated in compliance with the requirements of FDA Food Code, Chapter 6— Physical Facilities.
- 3. Outdoor servicing area and operations.
 - a. Protection.
 - i. A mobile food unit servicing area shall include at least overhead protection for any supplying, cleaning, or servicing operation. Those areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.
 - ii. Within the servicing area, the location provided for the flushing and drainage of liquid wastes shall be separate from the location provided for potable water

servicing and for the loading and unloading of food and related supplies.

- iii. A servicing area will not be required where only packaged food is placed on the mobile food unit or where a mobile food unit does not contain waste retention tanks.
- iv. The surface of the servicing area shall be constructed of a smooth non-absorbent material, such as concrete or machine- laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.
- v. Potable water servicing equipment shall be installed in the servicing area according to the Plumbing Code and shall be stored and handled in a way that protects the water and equipment from contamination.

b. Construction exemption. The construction of the walls and ceilings of the servicing area is exempted from the provisions of FDA Food Code, § 6-201.11.