

# 16,168

**MOBILE FOOD UNIT**

FILED FOR RECORD  
at 1:20 o'clock P M

JUN 09 2020

JENNIFER LINDENZWEIG  
County Clerk, Hunt County, TX  
By *Jennifer Lindenzweig*

**MOBILE FOOD UNIT (MFU) – A vehicle mounted, self-contained food service operation, designed to be readily movable and used to store, prepare, display, serve or sell food.**

Such a permit would allow the person/vehicle that is permitted to sale food from a mobile facility. Said permit from the Hunt County Health department would only certify that after inspection the applicant, vehicle and food is in compliance with State regulations that relates to the health and safety of food and related items and or the service of such food. It does not regulate those issues that are decided by the jurisdiction affected, such as: allowed usage of mobile food unit, locations of operations, hours of operations and various other regulatory ordinances.

Said Health Permit for Mobile Food Unit can be obtained from the Hunt County Health Department for the unincorporated area of Hunt County, Texas and will include any regulations set forth by the Hunt County Commissioners Court for said unincorporated area. Health Permit for Mobile Food Unit for jurisdictions within Hunt County (except Greenville) can also be obtained from the Hunt County Health Department, but prior to application the applicant must obtain permission or usage permit from the city jurisdiction he is wanting to operate within.

Inspection of Mobile Food Units will be conducted twice a year by the Hunt County Health Department at a location designated by Health Department and said inspections shall be performed to insure compliance with the Texas Food Establishment Rules, issued by the Texas Department of State Health Services, (attached)

Mobile Food Units are subject to inspection at any time the unit is stooped and serving the public. Violations of the permit requirements are subject to corrective action up to and/or including, discarding of food products, revocation of the permit and fines. Those persons found operating in jurisdictions that permits the usage of Mobile Food Units without a valid Mobile Food Units Health Permit are

subject to fines up to \$ (Amount determine by Comm. Court for unincorporated area)

Fees for inspection and permit is \$240.00 twice a year, with any required follow-up inspection being \$60. Permits are valid for six (6) months, and are not transferable.

# Texas Food Establishment Rules



Texas Department of State Health Services  
Division for Regulatory Services  
Environmental and Consumer Safety Section  
Policy, Standards, and Quality Assurance Unit  
Public Sanitation and Retail Food Safety Group

**October 2015**

Subchapter H. Requirements Applicable to Certain Establishments.

§228.221. Mobile Food Units.

(a) Mobile Food Unit provisions.

(1) General. Except as otherwise provided in this paragraph and in paragraph (2) of this subsection, the regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all time/temperature controlled for safety (TCS) food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements as specified in paragraphs (7) and (8) of this subsection; subsection (c)(1)(A) - (E) of this section and §§228.71 - 228.75 of this title (relating to Food). The regulatory authority shall require a Mobile Food Unit operator to demonstrate that the vehicle is readily moveable.

(2) Restricted operation. Mobile Food Units that serve 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/temperature controlled for safety (NTCS) food and are dispensed from covered urns or other protected equipment, need not comply with the requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining 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. The regulatory authority prohibits alteration, removal, attachments, additions, placement or change in, under, or upon the Mobile Food Unit that would prevent or otherwise reduce ready mobility. 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. <sup>Pf</sup>

(4) Initial permitting inspection. The regulatory authority shall require a Mobile Food Unit to come to a location designated by the authority. The mobile unit must be totally operable at time of inspection, including but not limited to handwash/warewash facilities, refrigeration and wastewater disposal. Required documentation to have available includes:

(A) Certified Food Manager Certification. <sup>Pf</sup>

(B) 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.

§228.221 (a)(4)(C)

§228.221 (a)(8)(C)

(C) 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.

(D) 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.

(E) Menu of all food items to be sold.

(5) Single-service articles. Mobile Food Units 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 Subchapter C of this rule. <sup>Pf</sup>

(B) Manual warewashing, sink compartment requirements. <sup>Pf</sup>

(i) A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils as specified under §228.107(b)(1) of this title. <sup>Pf</sup>

(ii) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils as specified under §228.107(b)(2) of this title. <sup>Pf</sup>

(C) At least one handwashing sink shall be available for convenient use by employees and properly provisioned in accordance with §228.175(b) - (c) of this title. <sup>Pf</sup>

(7) Mobile water system materials, design, and operation. Mobile Food Unit water systems shall meet the requirements of §228.149(f) of this title (relating to Water, Plumbing, and Waste).

(8) Mobile Food Unit tank inlet. A Mobile Food Unit's water tank inlet shall be:

(A) 19.1 mm (3/4 inch) in inner diameter or less; <sup>Pf</sup> and

(B) Provided with a hose connection of a size or type that will prevent its use for any other service. <sup>Pf</sup>

(C) Fill hose and water holding tank shall be labeled as "Potable Water."

§228.221 (a)(9)

§228.221 (a)(11)

(9) Sewage and other liquid waste.

(A) Waste retention. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention tank.

(B) Capacity and drainage. A leak-proof sewage holding tank in a Mobile Food Unit shall be:

(i) sized at least 15% larger in capacity than the water supply tank;  
and

(ii) sloped to a drain that is 25 millimeters (1 inch) in inner diameter or greater, equipped with a shut-off valve.

(C) 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.

(D) Discharge liquid waste shall not be discharged from the retention tank while the Mobile Food Unit is in motion. <sup>P</sup>

(E) Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner. <sup>P</sup>

(F) Removing Mobile Food Unit wastes. Sewage and other liquid wastes shall be removed from a Mobile Food Unit at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created. <sup>P</sup>

(G) Liquid waste holding tank shall be labeled as "waste water"

(10) Mobile Food Unit water and wastewater exemption.

(A) A roadside vendor that sells only prepackaged food is exempt from these rules pertaining 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 these rules pertaining to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility. Chemically treated towelettes for handwashing may be used as specified in §228.147(a)(3) of this title (pertaining to Water, Plumbing and Waste). <sup>P</sup>

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

§228.221 (b)

§228.222 (a)

(b) Central preparation facility.

(1) Supplies, cleaning, and servicing operations. Mobile Food Units shall operate from a central preparation facility or other fixed food establishment and shall report to such location daily for supplies and for cleaning and servicing operations.

(2) Construction. The central preparation facility or other fixed food service establishment, used as a base of operation for Mobile Food Units, shall be constructed and operated in compliance with the requirements of these rules (pertaining to Physical Facilities).

(c) Servicing area and operations.

(1) Protection.

(A) 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 and/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.

(B) 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. <sup>P</sup>

(C) A servicing area will not be required where only packaged food is placed on the Mobile Food Unit or where Mobile Food Units do not contain waste retention tanks.

(D) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(E) 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. <sup>Pf</sup>

(2) Construction exemption. The construction of the walls and ceilings of the servicing area is exempted from the provisions of §228.173(a) of this title (relating to Physical Facilities).

§228.222. Temporary Food Establishments.

(a) General. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food establishment, may prohibit the sale of some or all time/temperature controlled for safety (TCS) foods, and when no health

Hunt County, Texas

OL \_\_\_\_\_ OR \_\_\_\_\_ CONTROL#: \_\_\_\_\_

# MOBILE VENDOR PERMIT APPLICATION

Fee: \$240<sup>00</sup>

Permit Expiration Date: \_\_\_\_\_

New Permit ( ) Renewal ( ) Change of Ownership ( ) Re-Inspection \$60<sup>00</sup> ( )

Permits issued during the first six months of the year shall expire, irrespective of the date of issuance. There shall be no pro-ration of fees assessed after the first month of each period.

Completely fill out application or application will not be processed. (Please Print)

Driver / Responsible Person

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Driver's License \_\_\_\_\_  
Food Handler Course Completion Date \_\_\_\_\_

Truck / PushCart Name \_\_\_\_\_  
Tag / License \_\_\_\_\_  
Vehicle Identification \_\_\_\_\_  
Emergency Phone \_\_\_\_\_

Insurance Company

Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

Type of Owner

Sole ( ) Corporation ( ) Partnership ( )

Truck Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

Commissary

Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Date of most recent Inspection \_\_\_\_\_

Menu

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Equipment

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\_\_\_\_\_

Signature / Print

Date

Office Only:

Date \_\_\_\_\_ H.T.E. \_\_\_\_\_ Receipt # \_\_\_\_\_ Fees\$ \_\_\_\_\_ CASH/CHECK License # \_\_\_\_\_

\*\*Permit License Restrictions:



## Homeland Security

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**From:** katrina@scottraylaw.com  
**Sent:** Monday, March 16, 2020 3:52 PM  
**To:** Homeland Security  
**Subject:** RE: New Food Permit

Good afternoon David,

After reviewing the documents and authority, I do not see any issue with the proposed permit application. We do need to get this before the Commissioners' Court to set the fee due to the discretionary nature. Please let me know if you need anything further from me to move forward.

Thank you,

KATRINA M. PEMBERTON



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PLLC

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**From:** Homeland Security <[homelandsecurity@huntcounty.net](mailto:homelandsecurity@huntcounty.net)>  
**Sent:** Thursday, March 12, 2020 2:04 PM  
**To:** katrina@scottraylaw.com  
**Subject:** FW: New Food Permit

Katrina

The amount of the permit was decided on by researching some of the other jurisdictions, and is pretty well in line. It appears that jurisdictions have the discretion of what to charge. Attached to this email is a copy of what Collin Co., City of Greenville and Hunt County fees are. At a different time we may want to address the Commissioners Court about readjusting the County's fees. As you can see the City of Greenville charges considerably more.

Hope this helps

David

**From:** Homeland Security [mailto:homelandsecurity@huntcounty.net]

**Sent:** Monday, March 09, 2020 3:43 PM

**To:** "katrina@scottraylaw.com"

**Subject:** FW: New Food Permit

**From:** Homeland Security [mailto:homelandsecurity@huntcounty.net]

**Sent:** Monday, February 03, 2020 10:26 AM

**To:** "daniel@scottraylaw.com"

**Subject:** New Food Permit

Daniel

The proposed permit is something new for us, but probably is needed. We have temporary food permits for vendors at special events, such as County fair, but those are issued for a very limited time. This Mobile Vendor Permit would allow applicant to work from a food truck that has been inspected for all health and safety issues that effects the sale and service of food at permit locations. This permit does not grant permission to operate in any other area except the unincorporated part of Hunt County, but does meet the health certification requirements in case some of the cities allow it. ( I know Caddo Mills wants it ASAP, since 4000 houses are being built, and they want these trucks to be able to service the new home additions for the construction crews)

Attached is a synopsis of the permit, copy of application, and the Texas Food Establishment Rules (that will be used for inspections). If you agree, we would like to put this on the Agenda for Feb 11 Commissioners Court. Also, once you give your approval, we will make a copy for each Commissioner prior to the Court, so they are familiar with the proposal.

Let me know what you think

David A.