

**HIDALGO COUNTY, TEXAS**  
**RULES FOR REGULATION OF FOOD**  
**ESTABLISHMENTS**  
**IN THE UNINCORPORATED AREAS OF HIDALGO**

Procedure:	FE.1
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Date Authorized:	
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## REFERENCE

Form FE.1.1 "How to start a food business in Hidalgo County"  
Form FE.1.2 "Food vendor permit application"  
Form FE.1.3 "What kind of food permit do I need?"  
Form FE.1.4 "Obtaining a temporary food vendor permit"  
Form FE.1.5 "Restroom Agreement for Mobile Food Vendors"  
Form FE.1.6 "Electricity Agreement for Mobile Food Vendors"  
Form FE.1.7 "Requirements for a food vendor"  
Form FE.1.8 "Daily activity log"  
Form FE.1.9 "Maintenance and Service log"

## PREFACE

Hidalgo County Health & Human Services - Environmental Division (HCHHS-ED) is authorized to enforce state and federal laws and rules adopted under state law concerning food service establishments, retail food stores, mobile food units, and roadside food vendors, pursuant to Texas Health and Safety Code Section 437.002(a), as amended. TEX. HEALTH & SAFETY CODE ANN. §§ 437.001 *et seq.*, as amended. 25 TEX. ADM. CODE §§ 229.161-229.171, 229.173 -229.175, as amended. HCHHS is a participating agency in the FDA Voluntary National Retail Food Regulatory Program Standards, 2011.

To enforce state law and rules adopted under state law, Hidalgo County by order may require food service establishments, retail food stores, mobile food units, and roadside food vendors in unincorporated areas of the county, including areas in the extraterritorial jurisdiction of a municipality, to obtain a permit from the County. TEX. HEALTH & SAFETY CODE ANN. §437.003, as amended. 25 TEX. ADM. CODE § 229.373, as amended.

Pursuant to Texas Administration Code Title 25, Chapter 229, Section 169(a)(1), Hidalgo County may impose additional requirements to protect against health hazards related to the conduct of food establishments as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify certain requirements relating to physical facilities. 25 TEX. ADM. CODE § 229.169(a)(1), as amended.

## I. PURPOSE

The purpose of these Rules is to safeguard public health and better assure that consumers obtain food that is safe, unadulterated, and honestly presented by establishing uniform monitoring for food establishments in the unincorporated areas of

Hidalgo County, including areas in the extraterritorial jurisdiction of a municipality, or a municipality that does not have a health department.

## II. DEFINITIONS

Words and phrases used in these Rules shall have the meanings provided in Health and Safety Code, Chapter 437 and Texas Administrative Code Title 25, Chapter 229. TEX. HEALTH & SAFETY CODE ANN. §§ 437.001 *et seq.*, as amended. 25 TEX. ADM. CODE §§ 229.161 -229.171, and 229.173 -229.175, as amended.

## III. PERMITS

A. No person shall operate a food establishment in unincorporated areas of the county, including areas in the extraterritorial jurisdiction of a municipality, without having a permit issued by HCHHS-ED. Permits are not transferable from one person to another or from one location to another location, except as permitted by these Rules. A valid permit must be posted in or on every food establishment in a conspicuous place. Only a person who complies with the requirements of state law and regulations and these Rules shall be entitled to a permit.

B. A food establishment operated solely by a nonprofit organization is exempt from the permitting requirement of these Rules, but is not exempt from compliance with state law and regulations. An organization claiming exemption from these Rules as a nonprofit organization shall provide HCHHS-ED with such documentation as HCHHS-ED deems necessary to prove the establishment's current tax-exempt status as a nonprofit organization.

C. An establishment is not a food establishment for the purposes of these Rules if it is excluded from the definition of food establishment under Texas Administrative Code Title 25, Chapter 229, Section 162(40), as amended. 25 TEX. ADM. CODE § 229.162(40), as amended.

D. If an inspector finds that a food vendor is operating without a valid permit issued by HCHHS-ED, the food establishment will be closed for business until the permit is appropriately acquired by the vendor at HCHHS-ED.

1. 1<sup>st</sup> violation: Verbal and/or written notice to begin permitting process before next operational period.
  - a. Establishment/vendor must close for business until permit is obtained.
2. 2<sup>nd</sup> violation: If same vendor continues to operate without a valid permit
  - a. Vendor will be closed for business until valid permit is obtained.
  - b. Voluntary destruction of food product will be requested by inspector. (Texas Food Establishment Rules 229.161 -175) and
  - c. Citation issued to vendor

#### IV. ISSUANCE OF PERMIT

A. Any person desiring to operate a food establishment must make a written application for a permit on forms provided by HCHHS. The application must contain the name and address of each applicant, the location and type of the proposed food establishment, the applicable fee, and signature of applicant(s). An incomplete application will not be processed, even if initially accepted. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. Payment for a permit by a check that is returned for insufficient funds may result in revocation of the permit. Renewals of permits are required on an annual basis, unless otherwise specified and the same information is required for a renewal permit as for an initial permit.

B. Prior to the approval of an initial permit or the renewal of an existing permit, HCHHS shall inspect the proposed food establishment to determine compliance with state law and local regulations. The applicant or permit holder must pay all applicable fees before a permit is issued.

C. Any person desiring to construct or extensively remodel a food establishment and whenever a fixed existing structure is converted to use as a food establishment, a person must comply with policies and procedures of the Hidalgo County Planning Department, the Office of Environmental Compliance, and the Office of the Fire Marshal including but not limited to the On-Site Sewage Facility (OSSF) policies and procedures.

D. The person must present to HCHHS-ED: a routing sheet with approval from Planning Department, Environmental Health (OSSF Division), Environmental Compliance, and an approved inspection from Fire Marshal. No permit shall be issued until HCHHS-ED determines by final inspection that all construction, remodeling or conversion has been performed in accordance with the approved plans and specifications.

E. Whenever a food establishment is constructed or extensively remodeled, or whenever a fixed existing establishment is converted to a food establishment, at least one pre-opening inspection shall be made. The purpose of the pre-opening inspection(s) is to ensure compliance with the approved submitted plans, state law, federal regulations, and rules adopted by Hidalgo County.

1. Flea market facilities with a permanent restaurant must obtain a food establishment permit and comply with all requirements A-D.

F. There shall be an annual renewal, unless otherwise specified of a permit issued under these Rules. The renewal process shall be initiated by inspection to assure compliance with federal, state, and local regulations adopted by Hidalgo County.

G. Any false statement made in an application, inspection, and/or maintenance log is a basis for denial or revocation of the permit.

1. A mobile food vendor must present at every inspection a maintenance log of waste disposal and corresponding receipts.
2. The permit-holder shall maintain a log of all daily operational periods to include:
  - a. date of operation
  - b. time open for business
  - c. time closed for business
  - d. location of operation.

H. Prior to the issuance of a permit, the applicant or permit holder must pay all applicable fees, which may include a new facility inspection fee. HCHHS shall issue a permit to the applicant only if its inspection reveals that the food establishment complies with requirements of these Rules and state law and regulations.

J. An applicant or permit holder that does not comply with federal, state law and local regulations may be denied a permit or the renewal of a permit.

#### **V. ADDITIONAL REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENTS.**

##### **25 TEX. ADM. CODE § 229.169**

##### **HIDALGO COUNTY COMMISSIONERS COURT**

A. All mobile food establishments including pushcarts and roadside food vendors, shall be readily identifiable by business name, printed in bold black letters not less than three (3) inches in height, no less than one and one-half (1.5) inches in width, permanently affixed, and prominently displayed upon at least two (2) sides of the units.

B. Prior to the approval of the initial permit or renewal of an existing permit, the applicant or permit holder shall provide written details or plans regarding the systems installed for approved water source, distribution, delivery, and retention and for waste, sewage, and wastewater retention, drainage, and disposal or removal. In addition, a person must comply with policies and procedures of the Hidalgo County Planning Department, Right of Way Department, the Office of Environmental Compliance, and the Office of the Fire Marshal including but not limited to the On-Site Sewage Facility (OSSF) policies and procedures.

C. The person must present to HCHHS-ED: a routing sheet with approval from Planning Department, Environmental Health (OSSF Division), Environmental Compliance, and an approved inspection from Fire Marshal. No permit shall be issued until HCHHS-ED determines by final inspection that all referenced County departments recommend approval for the mobile food vendor permit according to the proposed specifications listed on the application.

D. A pushcart unit shall not exceed four (4) feet in width, eight (8) feet in length, and eight (8) feet in height including a unit's shade umbrella. In the event of an emergency situation, the unit shall be easily movable, controllable, and maneuverable by one (1)

person when the unit is fully loaded. The bottom of the unit shall be at least one (1) foot from the ground. The unit shall not be self-propelled.

1. The unit must have at least 2 (two) reflective devices on each side to be seen in low-light conditions.
2. The unit must be affiliated with a certified commercial vendor.
3. The operator of the unit must wear a reflective safety vest at all times while the unit is in operation.
4. Shall only sell pre-packaged, sealed foods and/or beverages.
5. Shall not sell or prepare fresh food and/or beverages, hot or cold, on the unit.

E. Live animals shall be excluded from the immediate adjacent onsite or adjoining property within 100 feet of surrounding areas of all mobile food establishments.

F. If toilet facilities are not provided on a mobile food establishment, a toilet facility shall be located on an onsite or adjoining property within 300 feet of the mobile food establishment. Upon application for a permit hereunder, a mobile unit operator must provide HCHHS-ED with written and notarized permission by the owner of the toilet facility for use of restrooms by the permit holder and corresponding schedule every 120 days. A mobile unit may not operate when the facility providing the toilet facilities are not accessible. Restroom facilities must be located within a building and must include a flush-type toilet and hand lavatory supplied with hot and cold running water under pressure. If the toilet facilities are Port-A-Cans or similar facilities, the permit will not be approved. This provision does not apply to restricted mobile units (i.e., mobile units that do not engage in any food preparation.).

G. All motor vehicles and/or pull trailers operating as mobile food establishments upon open roads, streets, and highways shall maintain a current Texas motor vehicle inspection sticker and a current Texas motor-vehicle license-plate registration sticker.

1. All mobile units, including push carts, must comply with all Texas Traffic and Safety Laws while the unit is in operation; including Section 285.001 of the Texas Transportation Code, as amended.

H. All mobile vehicles must be commercial grade, generator-powered, and certified to meet all State health standards and Texas Department of Transportation standards.

I. If a mobile vendor is going to utilize electricity of an adjacent commercial business by plugging into an electrical outlet during hours of operation, the mobile vendor must submit a notarized letter of permission for use of electricity by the commercial business owner.

1. The letter should be updated every 120 days and be on file with HCHHS-ED.
2. Outlet must comply with Hidalgo County Fire Marshal, National Fire Protection Association, and International Code Council – International Fire Code rules, regulations, and standards.
3. Outlet must be a standard plug-in type and all cords readily removable.

J. All mobile food vendors serving fresh food must do so in single-serve, single-use containers designed for transport.

K. Flea market establishments allowing the sale of food:

1. Permanent structure food court must have:
  - a. Restroom facilities within 300 feet
  - b. Plumbing with hot and cold water
  - c. Proper waste disposal and
  - d. A permanent structure food court shall consist of at least two (2) or more food vendors operating from a permanent or semi-permanent structure (i.e., not readily moveable).
2. Mobile vendor food courts must have:
  - a. Restroom facilities within 300 feet
  - b. Paved parking space
  - c. Electrical outlet and
  - d. Waste disposal connection
3. All flea market food vendors regardless of type must be in compliance with Hidalgo County Planning Department, Right of Way Department, the Office of Environmental Compliance, and the Office of the Fire Marshal including but not limited to the On-Site Sewage Facility (OSSF) policies and procedures.
4. Flea market owners with a permanent or mobile food court must maintain a current Food Manager's Certification at all times of operation.
5. All persons engaged in the sale and/or preparation of food must maintain a current Food Handler's Certification at all times of operation.

L. Mobile Vendor Food Courts

1. Mobile vendor food courts must have:
  - a. Paved parking space
  - b. Electrical outlet
  - c. Waste disposal connection and
  - d. Appropriate restroom facilities within 300 feet of mobile food vendor vehicles

## **VI. ADDITIONAL REQUIREMENTS**

A. As approved by Order by the Hidalgo County Commissioners Court, HCHHS may impose additional requirements for all food establishments, as follows:

*1. Food Manager's Certificate: The owner of the food establishment and the Manager of the food establishment must obtain a Food Manager's Certificate before a permit is issued.*

*2. Food Handler's Certificate: All employees of a food establishment must obtain a Food Handler's Certificate.*

*a. The Food Handler's Class will be conducted at HCHHS as scheduled.*

- b. The individual must call the HCHHS-ED to register for the class.*
- c. Term: The Food Handler's Certificate shall be valid for two (2) years from the date issued.*
- d. Fee: A fee of \$20.00 (twenty dollars) shall be paid prior to attending the Food Handler's Class.*
- e. A picture identification card will be issued to each individual that satisfactorily completes all requirements of the Food Handler's Class.*

B. As approved by Order of the Hidalgo County Commissioners Court, HCHHS may impose additional requirements for all mobile food vendors, as follows:

- 1. Display: A valid decal shall be displayed by a mobile food vendor.*
  - a. Outside of the service window on the left or right side, used in connection with the mobile food vending operation.*
  - b. On the trailer fender above the tailgate and license plate of an open, flat bed or enclosed trailer used in connection with the mobile food vending operation.*
  - c. At the top right-hand corner on the front of a pushcart, used in connection with the mobile food vending operation.*
  - d. Non-transferability: Mobile food vendor permits shall not be transferred or assigned to alternate units and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.*
- 2. Term: Mobile food vendor permits shall be valid for one (1) year from the date of issue unless sooner suspended or revoked.*
  - a. Mobile food vendors shall be required to submit to a scheduled inspection every 120 days at Hidalgo County Health & Human Services Environmental Division. Failure to submit to scheduled inspection shall be grounds for suspension or revocation of vendor permit.*
- 3. Notice: All mobile food vendors shall provide and maintain on file with HCHHS Environmental Division current hours of operation at all times.*
  - a. All vendors are subject to random inspection during normal business hours.*

4. *Violation(s): during a scheduled or random inspection*
- a. *Verbal and/or written notice to correct violation(s): May be issued at the discretion of the inspector depending on the type and severity of the violation(s).*
    1. *1<sup>st</sup> violation: Establishment must close for business until violations are corrected.*
      - a. *These violations must be fixed on-site or within the allotted time specified by the inspector.*
      - b. *Voluntary disposal of food product may be requested by the inspector.*
      - c. *Citation may be issued by inspector*
    2. *2<sup>nd</sup> violation: If vendor does not comply within the allotted time, the permit shall be suspended or revoked until violations are corrected.*
      - a. *Voluntary disposal of food product may be requested by the inspector.*
      - b. *Citation may be issued by inspector.*

## **VII. APPLICATION AFTER REVOCATION**

Whenever a revocation of a permit has become final, the holder of the revoked permit shall make written application for a new permit, and the food establishment may be required to submit plans and be subject to a pre-opening inspection.

## **VIII. CRIMINAL PENALTY**

- A. A person commits an offense if the person operates a food service establishment, retail food store, mobile food unit, or roadside food vendor without a permit required by Hidalgo County. TEX. HEALTH & SAFETY CODE ANN. § 437.016, as amended.
- B. An offense under this Section is a Class C Misdemeanor.
- C. Each day on which a violation occurs constitutes a separate offense.

## **IX. INJUNCTION**

The District Attorney of Hidalgo County may sue in district court to enjoin a food establishment, retail food store, mobile food unit, or roadside food vendor from operating without a permit, if one is required. TEX. HEALTH & SAFETY CODE ANN. § 437.015, as amended.

## **X. FEES**

The following fees are to be paid in connection with applications submitted pursuant to these Rules for the issuance or renewal of a permit.

<u>Type of Establishment</u>	<u>Fee</u>
*Temporary Food Permit (14 days)	\$25.00
**Mobile Food Vendor Permit (1 year)	\$100.00
Food Establishments with 1 – 10 employees	\$100.00
Food Establishments with 10 – 20 employees	\$125.00
Food Establishments with 21 or more employees	\$150.00

\*Separate businesses occupying the same booth must purchase individual permits. A business or individual who operates more than one booth at an event must designate the specific location of each booth at the event and must purchase a separate permit for each booth location.

\*\*If a mobile food vendor has more than one (1) mobile unit to conduct the sale of food products, a separate permit must be obtained for each mobile unit.

## **XI. ENFORCEMENT**

The provisions of these Rules shall be enforced by the Chief Administrative Officer of HCHHS (the CAO) or the CAO's authorized representative. It shall be a violation of these Rules for any person in a food establishment to deny access to the CAO or authorized representatives in the performance of the CAO's duties.

HCHHS employees who are not police officers but who have been trained to enforce the health and safety laws relating to food, water, waste control, general sanitation, or vector control are authorized pursuant to Sections 121.031 and 121.032 of the Texas Health and Safety Code and these Rules by Order of Hidalgo County Commissioners Court, to issue citations for violations occurring in the unincorporated areas of Hidalgo County, including areas in the extraterritorial jurisdiction of a municipality. Such citations must state the name of the person cited, the violation charged, and the time and place the person is required to appear in court.

## **XII. SEVERABILITY**

If any section, subsection, clause, phrase, or portion of these Rules is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Rules.

## Environmental Health

### Hidalgo County Health & Human Services Department

1304 S. 25th Street Edinburg, TX 78542 Phone (956) 383-0111 Fax (956) 383-7351

#### Starting A Food Business in Hidalgo County

This guide is for prospective operators of Food Enterprises ( food establishments, retail food stores, food warehouse, and food processors) operating within the jurisdiction of Hidalgo County. These establishments fall under the regulatory responsibility of Hidalgo County Health and Human Services Department. Guidelines for Farmers markets, Mobile Vendors and temporary Food Events are found at 1304 S 25<sup>th</sup> St Edinburg, TX 78542, or at <http://www.hchd.org/environmentalhealth>

Hidalgo County is divided into 5 sections , each having a designated Health Inspector. Your Health Inspector will assist you with questions on pre-opening process for Food Enterprises. Contact the Health Department Plan Review Desk (956) 383-0111 for questions concerning your building plans. Staff is also available to assist with questions on Food manager Certification, Food Handler Registration and application & inspection payments. Call us at (956) 383-0111 to contact your designated Health Inspector or our administrative staff.

Some incorporated cities within Hidalgo County also have contracts for Food Enterprise inspections with HCHHSD. The city offices in the cities will advise you if this is the case where you are operating. Almost all categories of Food Enterprises require approval from HCHHSD.

#### **Home Preparation of Food Prohibited**

Except for those business that meet the requirements of a Cottage Food Industry, home preparation of food for public consumption is prohibited. All food that is to be consumed by the public, whether free or for sale, must be prepared at a permitted establishment that is inspected by federal, state, or local Health Authority.

#### **Cottage Food Industry**

A cottage food production operation is not required to have a Hidalgo County food permit. Before operating a food business, check with other Hidalgo County Departments to determine if there are laws or ordinances, such as zoning, that will affect your business. For information on the Cottage Food Industry visit:  
<http://www.texascottagefoodlaw.com/>

## **Operating Permits – Food Enterprises**

The Food Enterprise application is available at 1) Hidalgo County Health department – Environmental Division located at 1304 S. 25<sup>th</sup> St Edinburg, TX 78542 2) our website, <http://www.hchd.org/environmentalhealth> . We recommend you submit a fully completed application and fees one month prior to your anticipated opening date. This gives our staff the needed lead time to process it and schedule any needed pre-opening inspections. Our staff thoroughly reviews each form to ensure accuracy of info provided. Incomplete applications will delay your approval.

Food permits are in effect for one year from the first of the month of the month it was issue, and are renewable each year, thereafter, when the appropriate fee is paid and the enterprise remains in compliance with Health Dept regulations.

### **Operating Permit: Posting Requirements**

A permit holder or person in charge of a Food Enterprise shall post a permit required by Hidalgo County Code in a prominent public location clearly visible to the general public and to patrons. A permit is clearly visible to the general public and to patrons if it is:

1. Posted in the front window of the enterprise within 5 feet of the front door; or
2. Posted in a display case mounted on the outside front wall of the enterprise within 5 feet of the front door; or
3. Posted on the drive – through menu board of a drive – through enterprise, in addition to posting in locations 1 and 2 of this section; or
4. In the Food enterprise is operated in a space that prevents posting the permit as required in 1 and 3, the permit shall be posted in the initial patron contact area, on the menu board or counter of the enterprise, or in a location determined by the Health Authority to ensure proper notice to the general public and patrons.

### **Permit Fees**

1 to 10 employees \$ 100.00

11 - 20 employees \$ 125.00

21 or more employees \$150.00

Temporary Food permit \$ 25.00

Mobile Vendor \$ 100.00

## **Health Department Plan Notes**

1. **Refrigeration** All refrigerated units are to hold foods at or below 41 F.
2. **Restrooms** If the facility has only carry -out or seating for less than 20 people, and less than 10 employees, then only one employee restroom is required by the Health Dept. Two restrooms are required if alcohol is served on the premises or more than 20 seats are provided. Each restroom must have a hand sink with hot (at least 100°) and cold water, mechanical air ventilation to the outside, and a solid, self closing door. Restrooms may not open directly into a kitchen. The total number of restrooms for a childcare facility is dependent on the “minimum standards” of the Texas Dept. of Family and Protective Services as it relates to childcare.
3. **Sinks** **A. Hand washing Sinks:** Shall be located to allow convenient use by employees in food preparation, food dispensing, ware wash areas, and any wait station where ice is dispensed, bar area or in a walk-in where meat is cut or trimmed. At least one hand sink will be required; additional, separate hand sinks may also be required. Small kitchens with small prep and ware washing in close proximity may be allowed to use one hand sink to serve both activities. Other hand sinks must be associated with restrooms. Provide at least 12” tall splash guards if a hand sink is located near food prep, open food, ice, or clean food contact surfaces. Otherwise, the hand sink must have at least 18” lateral separation from these. A sign or poster that notifies food employees to wash their hands shall be provided to all hand washing sinks and be clearly visible. A small, swinging door (as in a bar area) could separate a hand sink from a work area, otherwise no doors separating hand sink from work areas.

Each sink must be supplied with hot (100°) and cold water, soap and disposable towels. Childcare facilities must have hot water in the diaper changing area and kitchen. If plans do not provide sufficient hand sinks to meet the requirements of the facility you will be asked to provide a revised plan with additional hand sinks.

**B. Ware Wash Area:** A commercial dishwasher or 3 compartment sink is required in most cases. Dish machines must be able to effectively sanitize all equipment and utensils. They must dispense a chemical sanitizer or provide a final rinse of at least 180° F. (single, stationary rack machines are required to reach 165° in the sanitize cycle), Test strips are required. Above-the-counter dish machines are required to have type II vent-hood.

Ware washing sinks shall be of sufficient size to immerse the largest piece of equipment. Cold and hot (100° minimum) water under pressure delivered through a mixing valve shall be provided. Provide at least 2 integral drain board and a mobile dish cart. Drying racks or shelves will aid in adequately air drying all wares. Facilities with very limited ware washing and using disposable containers may request a variance to install a 2 compartment sink (example: convenience store). These sinks are required to have a drain board.

**C. Solid Waste:** Dumpster and grease barrels shall rest on a machine laid or concrete pad. These containers must have a tight fitting lids and drain plugs in place.

**D. Outdoor Cooking facilities:** barbeque pits or smokers shall be enclosed, and if screened in, at least 1/16" mesh screen is required. They shall rest on a concrete or asphalt pad. The meat may only be placed on the smoker; no food prep allowed in this enclosure. Any seasoning, cutting, etc. must take place inside the establishment. Outdoor bars and wait stations will be approved on a case by case basis by the dept.

**E. Water and Sewer Systems:** All private on site sewage facilities and wells serving a new Food Enterprise, an exclusively remodeled Food Enterprise, or a Food Enterprise coming under new ownership must meet current standards. These systems are required to be evaluated with respect to whether the system (a) meets current standards and (b) is adequate for the proposed use.

Contact the following agencies to ensure your system is adequate.

Environmental Health Division (956) 383-0111 and 0112

**F. Food Contact Surfaces:** Stainless steel, Formica, polished marble, corian, machined stone, approved ceramics or plastics may be used for food contact surfaces.

### **Hidalgo County Food Enterprise Food Handler Registration**

Food handler registration is required for Food Enterprise employees.

At the time of your annual permit renewal Food Operators are notified to provide a list of all employees and shall indicate which are registered with Hidalgo County either as a Food Handler or Food Manager.

We offer classroom classes in English and Spanish.

### **Exemptions.**

1. A nonprofit organization that serves food only to members of the organization;
2. A food processing plant that is inspected at least once a week by a state or federal food sanitation inspector or that only stores prepackaged food that is not potentially hazardous;
3. A mobile food establishment that offers only prepackaged food, if a certified food manager is in charge at a central preparation facility that supplies the products for the vending machine or mobile food establishment;
4. A Temporary Event;

## **Hidalgo County Food Enterprise Food Manager Registration**

A Food Manager Certificate is recognition that a person has received training in food sanitation.

The Hidalgo County requires the majority of permitted Food Enterprises in Hidalgo County to have one employee to be currently registered as a Certified Food Manager.

### **Exemptions**

1. A Food Enterprise that provides only beverages or prepackaged food that is not a potentially hazardous food.
2. A nonprofit organization that serves food only to members of the organization;
3. A food processing plant that is inspected at least once each week by a state or federal food sanitation inspector or that only stores prepackaged food that is not potentially hazardous.
4. A Mobile Food Establishment that offers only prepackaged food, if a certified Food Manager (CFM) is in charge at a Central Preparation Facility that supplies the products for the vending machines or Mobile Food Establishment.
5. A Temporary Event.

Hidalgo County Health & Human Services Department

Environmental Division

1304 S. 25<sup>th</sup> Street Edinburg, TX 78542

Phone (956) 383-0111 Fax (956) 383-7351

<http://www.hchd.org/index.html>

Application for **Mobile Food Vendors** Permit

**NOTE:** This application must be filled out completely. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.** Applications for a permit to operate does not guarantee that a permit will be granted. Permit approval is based upon the establishment or mobile food unit's compliance with state and local Health requirements. **MOBILE UNITS MUST BE PRESENT TO ISSUE PERMIT.**

**CHECK ALL THAT APPLY:** This mobile food vendor will operate within: ( ) Hidalgo County ( ) Other \_\_\_\_\_.

**Mobile Vendor Business**

**Name::** \_\_\_\_\_  
\_\_\_\_\_.

**Mobile Vendor**

**Owner:** \_\_\_\_\_  
\_\_\_\_\_ **Phone:** \_\_\_\_\_.

**Mobile Vendor Responsibility**

**Party:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_.

Residence Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_.

Date of Birth: \_\_\_\_\_ Identification  
Number/State: \_\_\_\_\_ Number of  
employees: \_\_\_\_\_.

E-Mail address (not  
required): \_\_\_\_\_ Hours of  
Operation: \_\_\_\_\_.

Mail Renewals to: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_.

Check One: ( ) Proprietorship ( ) Partnership ( ) Corporation

Type of Vendor: ( ) Unrestricted (open food) ( ) Restricted (Prepackaged)

Vehicle: ( ) truck, ( ) Van, ( ) Step-van ( ) Trailer, ( ) Pushcart, ( ) Car, ( ) Other (specify)  
\_\_\_\_\_.

Vehicle Make \_\_\_\_\_  
Model \_\_\_\_\_  
Year \_\_\_\_\_.

Color \_\_\_\_\_ License Plate # \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_.

**Name of Central Preparation Facility**

**(CPF):** \_\_\_\_\_  
\_\_\_\_\_.

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_.

Phone \_\_\_\_\_ Owner / Manager's Name

\_\_\_\_\_.

Type of Food to be Sold From Mobile Unit:

\_\_\_\_\_  
\_\_\_\_\_.

Days and Times working at

CPF \_\_\_\_\_

\_\_\_\_\_.

The mobile food unit must be inspected and have a permit affixed to it. Permit expiration date is indicated on the permit. Annual permit fees are based on the type of operation, and is as follows:

**Hidalgo County**

All Mobile Food Vendor Permits \$100.00

Fee payable to Hidalgo County Health and Human Services Department (HCHHSD)

All the information contained in this application is true and correct to the best of the applicant's knowledge and belief. Applicant acknowledges that the permit applied for shall be subject to all provisions of the orders and ordinances of Hidalgo County under which the permit is granted, and shall be subject to all provisions and statues and ruled adopted under the statues of the State of Texas governing food service establishments, retail food stores, mobile food units and roadside food vendors.

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Signature of Applicant Date

### **Additional Permit Requirements for Mobile Vendors**

County of Hidalgo, Texas

The Information detailed below must be adhered to in addition to the statements made above for Mobile Food Vendors operating within the limits of Hidalgo County. Also, please contact Hidalgo County Planning Department at 956-318-2840 to determine if the site(s) used for vending is/are approved. Hidalgo County Health Department approval does not guarantee approval with other County Departments. These rules **do not** apply to the incorporated areas of Hidalgo County (City Limits). If any of the items below are missing from your application your permit may not be issue.

#### Vendor Staff

- Proof of Texas sales and use tax permit.** This permit application is available at: <http://www.window.state.tx.us/taxpermit>. For additional questions, call 1-800-252-5555.
- Itinerary Route.** This itinerary should include locations where sales occur. Your itinerary should be updated on a quarterly basis. For new operators, use your best judgment. A sample route sheet is attached for your convenience. This information may be submitted via fax to the health department if the location/route changes throughout the year.
- Written Permission to Use restrooms at Work Site.** If the vendor will be at one location for more than two hours, a written agreement shall be submitted to the health authority from a property owner within 300 feet of the mobile food establishment providing permission for use of restroom facilities with flushable toilets during all hours of operation. A copy of this agreement must be kept in the mobile unit for proof. Portable toilets may be accepted with an approved liquid waste hauler contract.
- Notarized statement from the Owner or Responsible Party of a Central Preparation facility.** These documents (found on pages ) are used to state that the mobile food establishment uses the facility as its base of operation. This statement should also indicate that the central preparation facility has the proper waste water capabilities for the type of food the mobile vendor will be preparing. Not required if owner owns both CPF and mobile unit.

□ □ **Documentation of Central preparation Facility** Use. Mobile vendors are required to document on a log sheet the dates and times that service visits are conducted to the approved CPF. This includes re-stocking your mobile unit, obtaining fresh water and discarding waste water. This log sheet shall be maintain at the CPF and be presented to any health official upon request and during permit renewal. If using an approved liquid waste hauler, copies of trip tickets will be required to be presented during routine inspections and at permit renewal. A sample log sheet has been provided. This item is NOT required during the initial permitting process.

□ □ **Hidalgo County Fire Marshall Department.** Prior to Health Department approval, an Hidalgo County Fire Marshall Inspection must be conducted and passed. If you mobile unit does not require an inspection , the Fire Marshall will notify the Health Department.

### **Mobile Vending Unit Physical Inspection Checklist**

- License Plate – Present and current
- Adequate Clean & Waste water Capacities – Waste water tank must be sized with a minimum capacity of 15% larger than potable water tank's capacity.
- Water tank Security – All tanks must be permanently mounted to unit.
- Waste water tank Clean-out Valve – Clean -out valve must be located on the exterior of unit; diameter of clean out must be 1” in diameter or larger and may not be the same size as clean water fill up valve; clean-out valve must be located at height below clean water fill up valve.
- Clean Water tank Fill Valve – Fill valve must be located on exterior of unit; fill valve must be located at height above waste water clean-out valve; fill valve may not be the same size as waste water clean-out valve.
- Hand washing sink – hand wash sink present and available for convenience use.
- Ware Wash Sink – 3 compartment ware wash sink present; fill faucet able to reach all compartment for filling ; compartments capable of holding water; compartments must be large enough to fully submerge all food contact wares requiring regular washing.
- Splash Guard – A splash guard may be required between hand sink and ware washing sink to prevent possible contamination.
- Hot Water Heater – Water heating device present and secured in unit.
- Exterior Openings – All exterior openings such as doors, windows, ans vents must be provided with screening material to prevent pest or contaminant entry.

- Cold Hold Unit – Mechanical cooler/refrigerator present in unit; it is highly recommended that unit is equipped with commercial refrigeration unit; residential refrigeration units often lack the capability to maintain food items at appropriate temperature in mobile unit operating environment.
- Cleanable Surfaces - All interior surfaces must be constructed of smooth, durable, easily cleanable, non-absorbent materials.
- Physical Condition – No conditions present which may pose a risk to food or personal safety. The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

\*This checklist is solely intended to provide guidance in adherence to the Texas Food Establishment Rules. This guidance is not all inclusive of the rules and regulations pertaining to mobile vending units.

### MOBILE FOOD VENDOR RESPONSIBILITIES

1. **NO HOME PREPARED FOOD MAY BE SERVED TO THE PUBLIC.**
2. **THE USE OF EXTERNAL FOOD PREPARATION AND STORAGE EQUIPMENT IS NOT ALLOWED.** All equipment **MUST** be contained within or on the mobile unit and **MUST** be properly enclosed.
3. **REFRIGERATION AND HEATING:** You must have adequate hot and cold food storage facilities to maintain food products at the required temperatures. Hot foods must be held at 135° or above. Cold foods must be stored at 41° or below. Inadequate refrigeration may result in permit suspension.
4. **THERMOMETER:** Metal stem dial thermometers with a range of 0-220°F and accurate to  $\pm 3^\circ\text{F}$  must be provided on mobile food units on which food is prepared in order to monitor food temperatures. Locate additional thermometers in all refrigeration units.
5. **LABELING:** All food must have complete and proper labels.
6. **MOBILITY:** The health authority **may prohibit alteration, removal**, attachments, placement or **change** in , under, or upon the mobile food establishment that would **prevent** or **otherwise reduce ready mobility**.
7. **WATER/UTILITIES:** All mobile food units that are required to have water supplies must have properly designed waste water holding tanks of a 15% greater capacity than the hot and cold water supply. The holding tank must be permanently installed in the unit and equipped with a drain valve to empty the tank on the outside of the vehicle. Leaking waste water tanks may result in permit suspension. At no time during operation is the mobile unit to be attached to a water hose or any other permanent water supply. Also, permanent utilities (i.e. gas, electricity) may not be attached to the mobile unit at **ANY** time.
8. **HOT AND COLD WATER:** If the mobile food unit's operation requires hot and cold water, it must be supplied and working at all times during operation. Failure to comply may result in permit suspension.

9. **HANDWASHING:** Soap and towels must be supplied to the hand sink of UNRESTRICTED type operations at all times.
10. **CERTIFIED FOOD MANAGER / FOOD HANDLER:** Mobile units are required to have at least (1) food manager certificate and all other employees registered as food handlers within 30 days of employment.

**I have read and understand the items of responsibility listed above, and I agree to comply with all of the requirements.**

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Signature of Mobile Food Vending Owner / Operator Date

## **MOBILE FOOD VENDING INFORMATION**

### **GENERAL INFORMATION**

**RESTRICTED MOBILE FOOD VENDOR** means a Mobile Food Vendor offering only prepackaged food or prepackaged ice cream. A Restricted Vendor will fall under one of three categories:

1. if the vendor is purchasing food, the vendor must provide a copy of the commercial kitchen's Texas Food Manufacture's permit (or Meat Safety Assurance, if applicable) from the Texas Department of State Health Services, or;
2. The vendor is preparing their own food at a commercial kitchen and is an employee of the same kitchen, or;
3. The vendor is leasing space from a commercial kitchen and is **NOT** an employee. The vendor must apply for and obtain a Hidalgo County Health Permit at the leased space location.

**UNRESTRICTED MOBILE FOOD VENDOR** means a Mobile Food Vendor offering food that is packaged or prepared on the mobile unit, including the slicing or peeling of fruits and vegetables.

1. **Permits for Mobile Food Vendor** must be obtained before operating within Hidalgo County. Permit applications may be obtained at 1304 S. 25<sup>th</sup> St. Edinburg, TX 78542. Permits expired annually, one year after the day they are approved, and must be renewed on or before expiration date. An additional permit is required for vendors selling fresh seafood. Call the Texas Parks and

Wildlife Department at (800) 792-1112 for further information. All vehicles must have current State of Texas license plates. Mobile vending units equipped with water and waste water retention tanks must have an agreement with an approved liquid waste hauler. If your unit generates any grease or grease by products will need to have an approved and permitted grease trap / interceptor.

### **GENERAL REQUIREMENTS FOR ALL MOBILE VENDING UNITS:**

1. **Single service items:** Only disposable place settings are to be given to customers.
2. **Vehicle Construction (excluding pushcart):** The interior of the vehicle must be constructed of smooth, easily cleanable surfaces. The vehicle must be **completely enclosed**. N(No open truck beds; windows must be screened or kept closed.) The vehicle must be equipped with facilities to hold potentially hazardous foods at a temperature either above **135°F**. Or below **41°F**. Sterno is not an acceptable means of maintaining food temperatures. **NOTE:** it is a violation to take hot foods, place them in a Styrofoam or igloo-type cooler, and carry the cooler into a building to sell the food.
3. **Ice beds, when used:** No foods may be bedded in ice except for canned drinks and milk cartons. Foods may be placed in a container, and the container must be bedded in the ice. Ice used for this purpose may not be used in beverages and must drain to a **holding tank**, which is of at least 15% greater capacity than the ice beds.
4. **Trash Receptacles:** Must be provided for all mobile units.

### **SPECIFIED REQUIREMENTS FOR VARIOUS TYPES OF MOBILE FOOD VENDING UNITS**

#### **PUSHCART**

1. **Cart construction:** The cart must be constructed of smooth, easily cleanable surfaces. The cart size is not part of the Health Department approval process. The cart must be equipped with facilities to hold potentially hazardous foods at a temperature either above **135°F** or below **41°F**. **Sterno** is not an acceptable means of maintaining food temperatures. A (small) **trash receptacle** must be provided on the cart. **Ice** used for bedding beverages must drain to a **holding tank**, which is of at least 15% greater capacity than the ice beds.
2. **Types of Food:** With the exception of hot dogs, snow cones or other foods approved by the health authority only **prepackaged** food may be sold from a pushcart. This means that the food must be prepared and wrapped at the approved kitchen facility, then transported to the cart. The prepackaged food must be either individually labeled, or a "blanket label(s)" may be placed on the cart, if the packaged food is handed to the customer by staff. Labels must include the following information:

1. the name of the item
  2. a list of ingredients in order of predominance
  3. the net weight of the item
  4. the name and address of the product manufactured
3. **Unrestricted Food Carts:**Unrestricted food carts must have clear covers on top and three sides of the preparation area. Unrestricted food carts are also required to have a 3-compartment sink on the unit with hot and cold water supplied under pressure. The unit must be equipped with a retention/holding tank of at least 15% greater capacity than the water supply. The waste water connections must be below fresh water inlets.
  4. **Condiments:** Condiments, if provided, must be in covered containers with service utensils or from squeeze or pour-type bottles with lids.
  5. **Beverages:** beverages must either be canned or be dispensed from covered containers with spigots or pumps.

### **PREPACKAGED FOODS**

1. **Description:**All foods sold is prepackaged or pre-wrapped at an approved kitchen.
2. **Beverages:** must either be canned or be dispensed from covered containers with spigots or pumps.
3. **Condiments:** must be in covered containers with service utensils or from squeeze or pour-type bottles with lids.
4. **Type of food allowed:** Only prepackaged food may be sold. The food must be prepared and wrapped at an approved kitchen. Then transported to the unit. The prepackaged food must be either individually labeled, or a “blanket label(s)” may be placed on the cart, if prepackaged food is handed to the customers by staff. Labels must include the following information:
  1. the name of the item;
  2. a list of ingredients in order of predominance
  3. the net weight of the item
  4. the name and address of the product manufacturer.

### **FOOT PEDDLERS (restricted Permit)**

1. **Description:** All food sold is prepackaged at and prepared at an approve kitchen.
2. **Conveyance:** A specific type of convenience is required (I.e one ice chest or cooler).

Farmer's market vendors may provide more than one conveyance at approved farmer's market venues only.

3. **Types of food allowed:** See Prepackaged Foods section above.

## **FOOD PREPARATION UNRESTRICTED**

1. **Description:** The unit is a complete “Kitchen on wheels.” The food may be prepared on the unit and does not need to be prepackaged.
2. **Sinks:** There must be a **three-bay sink** on the unit for utensil washing. A **separate sink for hand washing** is also required. Soap and single use towels (paper towels) must be supplied to the hand washing sink.
3. **Water: Hot** and cold or tempered water, under pressure, must be supplied to all sinks. The water must be supplied from an approved source.
4. **Retention/Holding Tank:** The unit must be equipped with a permanently mounted potable water tank and a retention/holding tank of at least 15% greater capacity than the combined water and ice supply. The waste water connections must be below the fresh water inlet.
5. **Certified Food Manager / Food Handler:** Unrestricted mobile units operating in Hidalgo County are required to have at least (1) food manager certificate and all other employees registered as food handlers within 30 days of employment.

NOTE: The purpose of this document is to provide only basic information and answer commonly asked questions. Call (956) 383-0111 for additional questions.

When your mobile vending unit meets all of the requirements, bring the mobile unit to 1304 S. 25<sup>th</sup> St Edinburg, TX 78542 in order to have the vehicle inspected. You do not have to bring the unit in with power source for permit inspections. If the unit passes inspection, a permit will be issued. If the unit does not meet the requirements, an additional inspection will be made.

Hidalgo County Health & Human Services Department

Environmental Division

1304 S. 25<sup>th</sup> Street Edinburg, TX 78542

Phone (956) 383-0111 Fax (956) 383-7351

<http://www.hchd.org/index.html>

DO YOU NEED A TEMPORARY FOOD EVENT PERMIT?

Festivals, parades, celebrations and other special events contribute to the quality of life in Hidalgo County. Most of these events also feature food for sale or distribution. These Temporary Food Events (TFE), such as traveling fairs and carnivals, circuses, multicultural celebrations, special interest fundraisers, restaurant food shows, and other gatherings, have become extremely popular and are held with increasing frequency in our community.

Many of these TFE can involve extensive preparation and processes that include the cooking and advanced preparation of food prior to service. Anytime food is being handled there is a possibility of the food becoming contaminated. Some foods such as raw meats and poultry can be contaminated prior to obtaining them. It is estimated that 76,000,000 cases of food borne illnesses occur every year in the U.S. and there are emerging illnesses and drug resistant bacteria that are increasing the hazards. No one wants to make anyone ill. With this in mind, the Hidalgo County Rules and the Texas Food

Establishment Rules (TFER) provide guidelines for permitting and food safety standards for all food establishments. The Health Department has established procedures that can

assist with the advanced planning and management of TFE. We ask for your support in promoting these food safety practices.

Individuals or organizations are required to obtain a temporary food service permit for any event in which they are offering food for public consumption.

**If you can answer “Yes” to any of the following questions you will need to obtain a temporary food service permit.**

1. Is the general public invited to the event?
2. Can a person other than a member of the organization and their family members or invited guest attend?
3. Have you advertised the event or sold tickets to the general public?
4. Are you serving open food, open container drinks (mixed drinks w/ ice, wine or keg beer) or food that requires refrigeration or to be held hot?

If you have additional questions, contact us at (9560 383-0111

HIDALGO COUNTY HEALTH & HUMAN SERVICES DEPARTMENT  
 ENVIRONMENTAL HEALTH DIVISION  
 1304 S. 25<sup>th</sup> Ave., Edinburg, Texas 78542  
 Phone: 956-383-0111 Fax: 956-383-7351

**ELECTRICAL OUTLET AGREEMENT FOR MOBILE FOOD VENDORS\***

“If a mobile vendor is going to utilize electricity of an adjacent commercial business by plugging into an electrical outlet during hours of operation, the mobile vendor must submit a notarized letter of permission for use of electricity by the commercial business owner.” (Section V.I., Rules for Regulation of Food Establishments in the Unincorporated Areas of Hidalgo County, Texas)

I, \_\_\_\_\_, of \_\_\_\_\_  
 (Name of electrical outlet owner) (Name of business with electrical outlet)

located at \_\_\_\_\_  
 (Address of business)

give permission to \_\_\_\_\_ of \_\_\_\_\_  
 (Name of mobile food vendor) (Name of mobile food vendor business)

to use the above-named business electrical outlet during normal hours of operation:

<u>Day</u>	<u>Hours</u>
Monday	_____
Tuesday	_____
Wednesday	_____
Thursday	_____
Friday	_____
Saturday	_____
Sunday	_____

\_\_\_\_\_  
 (Signature of electrical outlet owner)

**\*This agreement must be renewed and kept on file with HCHHS-ED every 120 days by the mobile food vendor permit-holder.**

State of Texas  
 County of Hidalgo

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_.  
 (Date) (Name of electrical outlet owner)

\_\_\_\_\_  
 (Signature of Notary Public)

## Daily Operation Log for Mobile Food Vendors in Hidalgo County, Texas

HIDALGO COUNTY HEALTH & HUMAN SERVICES DEPARTMENT  
 ENVIRONMENTAL HEALTH DIVISION  
 1304 S. 25<sup>th</sup> Ave., Edinburg, Texas 78542  
 Phone: 956-383-0111 Fax: 956-383-7351

### RESTROOM FACILITY AGREEMENT FOR MOBILE FOOD VENDORS\*

“If toilet facilities are not provided on a mobile food establishment, a toilet facility shall be located on an onsite or adjoining property within 300 feet of the mobile food establishment. Upon application for a permit hereunder, a mobile unit operator must provide HCHHS-ED with written and notarized permission by the owner of the toilet facility for use of restrooms by the permit holder and corresponding schedule.” (Section V.F., Rules for Regulation of Food Establishments in the Unincorporated Areas of Hidalgo County, Texas)

I, \_\_\_\_\_, of \_\_\_\_\_  
 (Name of restroom facility owner) (Name of business with restroom facility)

located at \_\_\_\_\_  
 (Address of business)

give permission to \_\_\_\_\_ of \_\_\_\_\_  
 (Name of mobile food vendor) (Name of mobile food vendor business)

to use the above-named business restroom facility during normal hours of operation:

<u>Day</u>	<u>Hours</u>
Monday	_____
Tuesday	_____
Wednesday	_____
Thursday	_____
Friday	_____
Saturday	_____
Sunday	_____

\_\_\_\_\_  
 (Signature of restroom facility owner)

**\*This agreement must be renewed and kept on file with HCHHS-ED every 120 days by the mobile food vendor permit-holder.**

State of Texas  
 County of Hidalgo

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
 (Date) (Name of restroom facility owner)

\_\_\_\_\_  
 (Signature of Notary Public)



