



Requirements For Temporary Food Service Establishments

Purpose.

The purpose of these requirements is to prevent foodborne illness and protect public health by assisting operators of temporary food establishments in meeting minimum construction standards and in using safe techniques when storing, preparing, displaying or serving foods.

Definitions.

The following definitions shall apply in the interpretation of the Temporary Food Service Requirements issued:

- (a) **Adulterated.** A legal term meaning that a food product fails to meet federal or state standards. Adulteration is the addition of a non-food item to increase the weight/quantity of the food item in raw or prepared form either intentionally or unintentionally. Also included are any poisonous or deleterious substances which may render the food injurious to health. Examples would be adding water or animal carcasses to meat products other than the animal meant to be consumed, stones, gravel sand, insects, or animal hairs to grain products, or an unsafe color additive or unapproved health supplement to a food product.
- (b) **Easily cleanable.** “Easily cleanable” means the surfaces are readily accessible and made of such materials and finishes that are constructed so that residue and food spillage may be effectively removed by normal cleaning methods.
- (c) **Food.** “Food” means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.
- (d) **Limited hazardous foods.** “Limited hazardous foods” include such foods as hot dogs, nachos, corn-on-the-cob, sausage links, and pre-portioned beef patties and raw meats that require only limited cooking (less than 15 minutes).
- (e) **Misbranding.** A food item is considered misbranded if its labeling is false or misleading, is in a package form and its label fails to contain the name and place of business of the manufacturer,

packer, or distributor; and an inaccurate statement of the quantity of the contents in terms of weight, measure, or numerical count

- (f) Packaged. "Packaged" means bottled, canned, or cellophane that are securely wrapped, or food items in hermitically sealed cartons.
- (g) Person. "Person" includes any individual, partnership, corporations, associations, trustee, or other legal entity.
- (h) Potentially hazardous food. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, cooked vegetables, cooked pasta, beans, rice, potatoes, cut cantaloupe, cut tomatoes, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not apply to foods which have a pH of 4.5 or below or a water activity (Aw) value of 0.85 or less.
- (i) Regulatory Authority. "Regulatory Authority" means local enforcement authority or authorities having jurisdiction over the temporary foodservice establishment.
- (j) Sanitization. "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or a concentration of chemicals for enough time to reduce the bacteriological count, including pathogens, to a safe level on utensils and equipment.
- (k) Single-service articles. "Single-service articles" means cups, containers, lids, clam shell containers, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one person use and then discarded.
- (l) Tableware. "Tableware" means multi-use eating and drinking utensils.
- (m) Utensil. "Utensil" means any implement used in the storage, preparation, transportation or service of food.

Permits.

- (a) Temporary food service establishments shall mean any food service establishment that is temporary in duration and which operates at a fixed location for a temporary period of time no more than 14 consecutive days or such time as granted by the Health Authority in conjunction with a single event or celebration. Occasionally, on a case by case basis a seasonal temporary permit may be issued after an inspection at the discretion of the Regulatory Authority for concessions sold on a daily basis during seasonal sporting events such as summer baseball tournaments, fall football games, or the summer swimming season at the Farmers Branch Aquatics Center where snacks and other food items are offered at a fixed or mobile concession stand such as a snow cone truck.

***Note** snow cone stands/truck will only be permitted to sell snow cones and packaged food items and drinks and may not sell potentially hazardous foods such as raw meat items which require extensive preparation or cooking.

- (b) All temporary events open to the public in which food is conveyed or served requires a foodservice permit. Closed events such as a church potluck, a company picnic or other social event that is open only to the employees or affiliates of that organization and not open to the general public do not need a temporary permit and are not subject to inspection by the Regulatory Authority. An application to operate a temporary food establishment shall be made not less than three (3) days prior to opening in order to have adequate time to process the permit before the event.
- (c) An application for food service permits can be downloaded online from the City's website <http://farmersbranchtx.gov/DocumentCenter/View/2496>, or made out at City Hall, Community Services Dept., 13000 William Dodson Parkway in person. Business hours are Monday-Thursday 8:00 a.m. to 6:00 p.m. and Friday 8:00 a.m. till 5:00 pm. (See enclosure 1).
- (d) A complete menu of foods to be served must be provided at the time of the application.
- (e) There is no fee for a temporary food permit.

Reason.

Food serviced from temporary food establishments is subject to the same potential as foods served in fixed foodservice establishments as well as the increased potential for contamination resulting from specific conditions associated with temporary establishments such as the lack of adequate fixed foodservice equipment including a properly plumbed handwashing sink, a mechanical commercial dishwasher, a 3 compartment sink, mechanical refrigeration, proper cooking, hot holding equipment, easy accessibility by insects or rodents, proper liquid and solid waste disposal systems, and required smooth, non-absorbable, floor, wall, and ceiling coverings. While recognizing the limited capacity of most temporary operations, it is necessary for the protection of the public health to regulate closely the construction and operational methods of these establishments. Due to this limited food protection capability, most temporary food establishments may be restricted to the service of packaged and prepared foods, or only allowed limited food preparation functions. The degree of such restrictions must be in direct relation to the capacity for food protection demonstrated by the construction of a temporary establishment and its equipment.

Correction of Violations.

For temporary foodservice operations, all violations must be corrected within 24 hours of notification. If violations are not corrected within 24 hours, the establishment must immediately cease foodservice operations until authorized to resume by the Regulatory Authority. If an imminent health hazard exists, such as lack of refrigeration when required or no water for utensil or handwashing, the establishment must immediately cease food service operation until authorized to resume by the Health Authority.

Restricted Operations.

- (a) All food in temporary establishments must come from approved sources meaning a licensed food processor, manufacturer, retailer or distributor of a food and that food must be in sound condition, and free from misbranding or adulteration. Home preparation or storage of potentially hazardous food items is not allowed with the exception of non-potentially hazardous home baked goods.

Home baked goods such as brownies, cookies, cakes without potentially hazardous uncooked ingredients such as cream, custard, meringue-topped pies, or cream cheese based fillings or frostings are permitted and all individual portions should be individually wrapped, labeled, and protected from potential contamination.

- (b) Open, unprotected display of food is prohibited. All food while being stored, prepared, displayed, served, or sold, or during transportation between establishments shall be protected from contamination especially by insects. If condiments are provided they shall be in self-dispensing containers or commercial single use packets. Only singleservice items may be provided to the consumer.
- (c) All potentially hazardous foods shall be kept at proper food safety temperatures. The cold holding temperature of potentially hazardous food items shall be 41° F. or below, and hot holding temperature for potentially hazardous food items is 135° F. or above.
- (d) All foods must be fully cooked without interruption. Partial cooking of food items in advance is prohibited such as marking where the exterior of the food product is cooked, but the interior is raw. The following are minimum cooking temperatures:

Poultry	165° F.	Beef	140° F.
Pork	150° F.	Ground beef patties	155° F.

All prepared or cooked food items cannot be saved for re-service the next day. A metal stem thermometer must be used when monitoring cooking and or holding temperatures of any potentially hazardous food.

- (e) Only those potentially hazardous food items requiring limited preparation (limited hazardous foods), such as nachos, corn dogs, corn-on-the-cob, sausage links, hot dogs, and pre-portioned hamburgers and some raw meats that require only limited cooking (less than 15 minutes), may be prepared or cooked on site.

Preparation of more potentially hazardous food types on site such as seafood, poultry products, pastries filled with cream, barbequed or smoked meats, or foods that require multiple ingredients or excessive handling for preparation such as raw vegetable salads,

gravies, casseroles, or salads or sandwiches containing meat, eggs, or seafood products is generally prohibited.

Preparation of more potentially hazardous type foods on site may be approved on an individual basis only under the following conditions:

1. The concession is inside an enclosed building (no outside booths).
2. Hot and cold running water under pressure is provided.
3. A 3 compartment sink and separate handwashing sink is provided.
4. The plumbing is connected to a sanitary sewer system
5. Adequate hot and cold holding equipment is provided.
6. Easily cleanable work surfaces are provided.
7. Approved ventilation systems are provided if grease is generated from cooking.
8. A certified food protection manager is provided.

(f) Chili may be used for preparation of chili pies, chili hot dogs and similar type foods on site if the following guidelines are met:

1. Only commercial canned chili is used.
2. A commercial type crockpot or other food warmer capable of rapid heating and proper control of chili temperature is provided onsite (low and high temperature settings only are not adequate).
3. Chili is heated to at 165° F. and capable of being hot held at 135° F. or above before being served to the public.

(g) Commercially pre-packaged potentially hazardous foods prepared for individual service may be approved if demonstrated that these packaged foods can be transported and held under approved conditions on site.

(h) Catering of potentially hazardous food items from licensed food establishments is permitted under the following conditions:

1. A copy of the vendor's current foodservice establishment's license is submitted with the application form unless the vendor's food establishment is located within Farmers Branch, then no license copy is necessary.
2. A temporary food permit application is made out and received and approved by the Regulatory Authority.
3. All foods that require more than limited preparation such as tamales must be prepared at the licensed facility. The operator will be responsible for transporting and holding the food on site in a safe manner.
4. Licensed food vendors will be responsible for meeting all other requirements for operation of temporary food establishments.

(i) Competition cook-offs are excluded from these requirements if the following conditions are met:

1. The volume of food made by each competitor does not exceed one gallon or 8 pounds.
2. Food is served only to competition judges or other cooks in the competition.
3. Food may not be sold, traded, or given away to the public in any manner.

(j) If only pre-packaged non-potentially hazardous foods are sold or given away on site some requirements may be suspended if approved by the Regulatory Authority.

Other Requirements.

Ceilings

All concession stands must have suitable coverings over food preparation, food storage and foodservice areas. Such covers must meet fire department regulations

Ceilings and outer openings of the food preparation area shall be made of wood, canvas, or other materials that protect the interior of the establishment from the weather, windblown dust, birds, and debris.

Counter/Work Surfaces

The counters or work surfaces in the establishment shall be smooth, non-absorbable, and easily cleaned. All counters or table tops must be at least 30 inches up off the ground. In addition, all food items must be kept at least 6 inches up off the floor.

Equipment

Equipment shall be located and installed in a way that prevents food contamination and facilitates ease of cleaning of the establishment. All equipment shall be smooth, non-absorbable and easily cleaned. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

Floors

All concession stands shall have flooring such as concrete, asphalt, plywood, or other material designed to prevent dirt or dust contamination.

Food Protection Manager

Each temporary establishment that conducts open food preparation and handling shall have at least one person on-site who has had an accredited certified food protection manager course or food handler certification.

Hand Wash Facilities

Provide a minimum 5 gallon water container with a dispensing valve so to leave hands free for washing. Also provide a wastewater container for collecting water during handwashing as well as liquid soap and paper towels and a waste container. A handwashing set up is not required if the only foods dispensed are pre-packaged in their original packaging. If open food handling is limited then a chemically treated

towelette may be used for handwashing if approved by the Regulatory Authority. If a handsink is provided in a concession stand that sink is to be used for handwashing only.

NOTE * Food handler gloves or acceptable utensils must be used when handling all open ready-to-eat food items to prevent bare-handed contact of that food item.

Hygiene All personnel handling open food items must wear proper hair restraints consisting of either a hair net or hat, and or a beard restraint, and clean clothing. In addition, no jewelry except for a plain band wedding ring may be worn on the hands or wrists. Eating, smoking, or chewing gum is prohibited. Drinking is only permitted from closed non-spillable sturdy beverage containers. Single service styrofoam to go containers with plastic lids and a straw are spillable and cannot be used to drink from in the concession stand.

Ice

Ice that is consumed or that contains food such as snow cones shall be made under strict conditions meeting food safety requirements. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe food grade plastic bags or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be dispensed with an ice scoop in a way that protects the scoop from contamination.

Toilet Facilities

Each food service establishment shall have adequate, conveniently located toilet facilities for its employees with a maximum 400 foot radius from the concession stand. A centrally located restroom can be used for several concession stands.

Utensil Washing and Sanitizing

Concessions with food preparation must provide a minimum of two 5 gallon plastic containers for the cleaning of utensils that will be reused on a production basis, and for general cleaning purposes if a 3 compartment sink is not available. One container shall contain soapy water for washing, and the other container a bleach water solution for sanitizing all reusable utensils. The sanitizing solution can be made by using one teaspoon of bleach per gallon of water. Soak the utensils at least one minute in the bleach water, then allow to air dry. Equipment that is too large to be immersed in the bleach water can be sprayed or swabbed with the bleach water solution. If the concession has a manual 3 compartment sink hot water under pressure must be available and each compartment must be big enough to accommodate fully submerged the biggest piece of dishware to be washed.

Walls

Outdoor concession stands shall have sidewalls of solid material extending at least 30 inches from the ground. When flies are prevalent, counter service openings shall either be equipped with self-closing fly tight doors or windows; or openings shall be protected with effective fans to form an air curtain, or by 16 mesh to 1 inch screens.

Water

Enough potable water shall be available in the establishment for food preparation and cleaning purposes (a minimum of 5 gallons). Potable water shall be from approved sources which include

plumbing connected to the municipality's potable water system, commercially bottled drinking water, closed portable water containers, enclosed vehicular water tanks, on-premises water storage tanks, or piping, tubing, or hoses connected to an approved source. All potable water must be stored in an approved sanitary enclosed container. The container shall have a spigot for water dispensing.

Wet Storage

Storage of packaged food in contact with water or undrained ice is prohibited. Cellophane or butcher paper wrapped sandwiches that can allow melting ice to come into contact with the food item shall not be stored in direct contact with ice.

Waste

Cleanable solid waste containers with covers and plastic liners shall be provided for proper storage and disposal of organic and solid waste.

All liquid waste including melting ice must be disposed of in a manner which will not create a public nuisance through an approved sanitary sewage system. Usually, when a sanitary sewer is not available, liquid waste must be stored in holding tanks or other suitable containers until proper disposal can be made to a sanitary sewer system.