

# TEMPORARY FOOD ESTABLISHMENTS (LOCAL ORDINANCE)

The Temporary Food Establishment rules located in the local ordinance were pulled directly from the Texas Food Establishment Rules (except for the pop-up food vendor and temporary event coordinator). The temporary 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

**Temporary Food Establishment aka Temporary Food Permit or Temporary Permit** means a food facility that operates for a temporary period of time. The facility operates at a fixed location for no longer than 14 consecutive days. No more than 15 temporary event permits will be issued per business or applicant per calendar year. If an establishment wishes to operate more frequently than is permitted with a temporary permit they may upgrade to the pop-up food vendor permit (*Pop-Up Food Vendor means a food establishment that operates on a temporary basis and may "pop-up" at various locations. A pop-up food vendor must comply with all of the sanitation regulations required of temporary food establishments. A pop-up food vendor does not have to operate in conjunction with a public event. Pop-up food vendors must have a contract with a central preparation facility and at least one certified food protection manager scheduled and available*).

**Temporary Event Coordinator aka the promoter** means the person responsible for sponsoring or organizing and/ or advertising the activities of an event and for facilitation of utilities to vendors throughout the event. The event coordinator shall provide a written statement describing the event and listing all proposed temporary food establishments. The event coordinator of an event at which a temporary food establishment is operated shall ensure that a permit is obtained for each temporary food establishment. The temporary event coordinator must identify and ensure that each vendor has utilities including but not limited to maintaining access to potable water connections, backflow prevention, proper wastewater and grease disposal, electrical needs of vendors, toilet facilities, crowd control, trash control, securing qualified temporary food vendors, and coordinating the health and safety of invited guests. A temporary event coordinator is required whenever an event is expected to have 2 or more food vendors.

## Sec. 58- 237. – Temporary Food Establishments



Food establishments such as temporary event permit holders, pop-up food vendor permit holders, and sampling permit holders must comply with this section.

1. 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 and temperature control for safety foods (TCS foods), and when no health hazard will result, such as children's neighborhood beverage stands, may waive or modify requirements of this chapter.
  - a. Foods that are not prepared on-site or that require extensive preparation or cooking must be prepared at a licensed food establishment.
  - b. Each temporary establishment may be required by the regulatory authority to have at least one person on- site who has a minimum of an accredited food handler certification.
2. All food temperature requirements shall be met as contained in FDA Food Code, Subparts 3-202, 3-401-403, and 3-501, Texas Food Establishment Rules 228.62 (relating to Specifications for Receiving), and Texas Food Establishment Rules § 228.64 (relating to Donation of Foods).
3. Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of FDA Food Code, Chapter 3 - Food. The ice shall be obtained only in blocked, chipped, crushed, or cubed form and in single- use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. Ice for consumption shall be held in the bags until it is dispensed and be dispensed in a way that protects it from contamination.
4. Equipment and utensils.
  - a. Design and construction. Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.
  - b. Location and installation. Equipment shall be located and installed and cleaned in a way that prevents food contamination and that also facilitates cleaning of the temporary food establishment.
  - c. Hot and cold holding equipment. Equipment for cooling or heating food and holding cold or hot food shall be adequate in number and capacity to provide food temperatures as specified in FDA Food Code, Subparts 3-401-403 and 3-501.
  - d. Protection from contamination. Food- contact surfaces of equipment shall be protected from contamination by consumers and other sources. Where necessary to prevent contamination, effective shields for such equipment shall be provided.
  - e. Alternative manual warewashing. Alternative manual warewashing equipment, such as receptacles that substitute for the compartments of a three- compartment sink, may

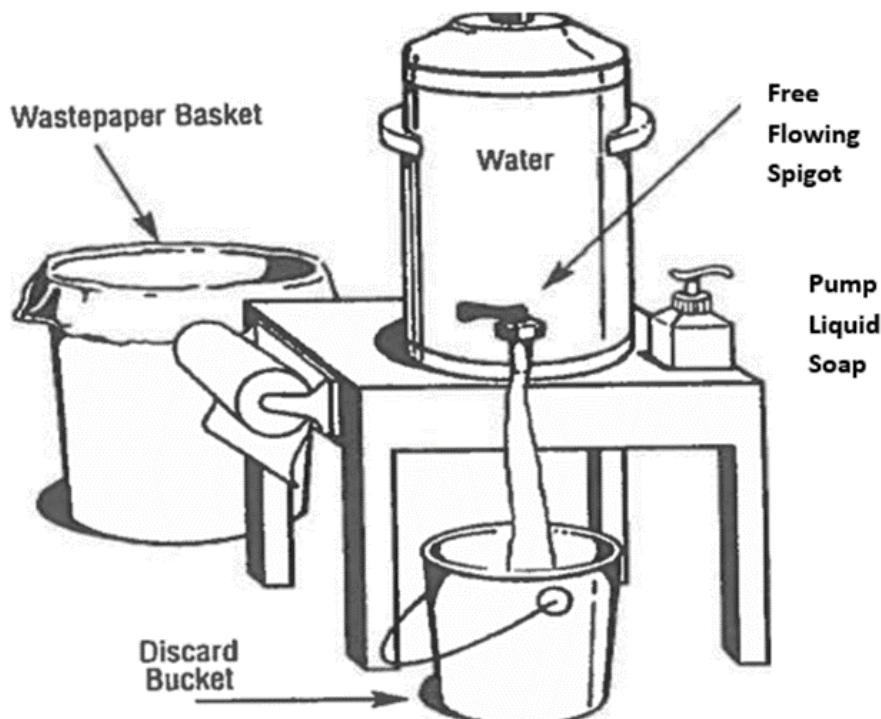
be used when there are special cleaning needs or constraints and the regulatory authority has approved the use of alternative equipment. Each compartment shall be large enough to immerse the largest piece of equipment that will be used. A means to heat water must also be provided.

5. Single-service articles. A temporary food establishment shall provide only single- service articles for use by the consumer.
6. Water.
  - a. Water from an approved source shall be made available in a temporary food establishment for food preparation, handwashing, and for cleaning and sanitizing utensils and equipment.
  - b. Water does not need to be under pressure but shall come from approved sources which include:
    - i. commercially bottled drinking water;
    - ii. closed portable water containers;
    - iii. enclosed vehicular water tanks;
    - iv. on-premise water storage tanks; or
    - v. piping, tubing or hoses connected to an approved source.
7. Wet storage. Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
8. Sewage. All waste water and sewage generated from the temporary food establishment shall be disposed of through an approved sanitary sewage system that is:
  - a. a public sewage system; or
  - b. an individual sewage disposal system that is sized, constructed, maintained, and operated according to 30 TAC Chapter 285 (relating to On-Site Sewage Facilities).
9. Handwashing. Handwashing facilities shall include a container with a spigot that provides potable, clean, warm water; a wastewater container; soap; disposable towels; and a waste receptacle. Handwashing facilities are not required if the only food items offered are commercially pre-packaged foods that are dispensed in their original containers.
10. Floors. If graded to drain, a floor may be concrete, machine-laid asphalt, dirt, or gravel covered with mats, plywood, removable platforms, duckboards if covered with mats, or other suitable materials approved by the regulatory authority, such as tarps, that effectively control dust and mud.
11. Ceilings and outer openings of food preparation areas.
  - a. Walls and Ceilings. Walls and ceilings shall be made of wood, canvas, or other materials that protect the interior of the establishment from the weather, windblown dust, birds, and debris.
  - b. Outer openings. The outer openings shall be protected against entry of insects and rodents by:

- i. 16 mesh to 25.4 millimeters (16 mesh to 1 inch) screens;
- ii. properly designed and installed air curtains; or
- iii. other effective means.

c. Exclusion provision. Paragraph (b) of this subsection does not apply if flying insects and other pests are absent due to the location of the temporary food establishment or other limiting conditions.

### **Handwash Setup Example**



### **3-Compartment Setup for Utensils Example**

