



## MOBILE FOOD UNIT INFORMATION PACKET

**TFER 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and push carts) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have on site at least one food employee who possesses a food manager certification. Tents are only allowed in the City of Pearland for a Special Event or Temporary Activity in which a Temporary Food Permit is required.**

- Application and payment for a Mobile Food Unit License *must first* be processed at the Permit Office prior to contacting the Code Enforcement Office to schedule an appointment for inspection with the Health and Fire Marshal's Office.

**Permit Department  
City Hall Annex Building  
3523 Liberty Dr.  
Pearland, Texas 77581  
281.652.1638**

**Code Enforcement/Fire Marshal's Office  
Fire Administration Building  
2703 Veteran's Dr.  
Pearland, Texas 77584  
281.652.1766**

### *Medallion Application and Inspection Requirement Information*

- Mobile Food Unit License Application and Fee paid to Permits Office
- Valid Texas Driver's License must be provided for the Mobile Unit Driver
- Valid Insurance showing proof that the Mobile Unit Driver is covered
- Proof of Commissary
- Proof of a Certified Food Manager, and Food Handler's certification(s) for *all* employees
- Proof of current registration-(Mobile Unit/Trailer)
- Readable VIN(Vehicle Identification Number) on Vehicle that matches registration

Mobile Units must be inspected by a Pearland Health Officer and may require an inspection by a Fire Marshal: Please call the Code Enforcement Office to make an appointment for inspection at 281.652.1766. **\*\*Arrive at least thirty (30) minutes prior to scheduled time of inspection to ensure that hot water temperature and cold hold/freezer units are at their proper temperatures. Failure to be ready for scheduled inspection time may require the inspection to be failed and/or rescheduled. Arriving more than fifteen (15) minutes after your scheduled time may constitute a failure and you may be rescheduled\*\***

Submittal of all paperwork must be done at time of Inspection. Once the Mobile Food Unit has passed requisite inspections, a medallion will be issued to the unit; which will expire 365 days from the date of issuance.



## Mobile Food Unit Medallion Inspection Criteria

### Health Safety

\*A Fire Marshal inspection must be passed prior to inspection by the Health Department\*

- Working Head Lights, Tail Lights and Brake Lights
- Working Horn
- Readable VIN number on Vehicle that matches Vehicle Registration.
- Current Trailer registration if applicable
- Working cold hold coolers - (if applicable) Cold food 41°F (5°C) or less
- Working hot hold areas - (if applicable) Hot food 135 F (57.2 C) or greater
- Manual Ware-washing; 3-compartment sink requirements: wash, rinse, and sanitize
- At least one hand-washing station set up correctly with soap and paper towels with hot water available
- Single-service articles only for use by the consumer
- Backup Thermometers in cold hold coolers and/or freezer
- Employees must wear hair restraint - {ex; hats hairnets}
- Employees must wear gloves while handling "Ready to Eat Food Items"
- Menu of all food items to be sold
- Business name, printed, permanently affixed and prominently displayed upon at least two (2) sides of such unit, in letters not less than three(3) inches in height. *If the vendor is not a drivable Mobile Food Unit, then a banner or sign attached will be acceptable.*

### Fire Safety

- A proper, tagged Fire Suppression System is required for a Mobile Food Unit when food cooking equipment is present, and must meet the specific needs of each Mobile Food Unit.
- Portable, currently inspected fire extinguisher(s) must be properly mounted, and of the proper type and size – A Class -K extinguisher is required to be mounted towards the door. A Class 3-A:40-B:C; is required when cooking equipment is present, which should be mounted towards the door. If both types are required, they should be installed in a manner which will prevent confusion between the two during an emergency.
- Minimum 16" between any fryer and surface flames.
- LP/Propane cylinder properly secured, stored away from trash, and not kept in the passenger area.
- Proper hose to pipe LP/Propane gas.
- No Smoking sign posted.
- Extension cords used properly.
- Trash free from flammables.

\*Please contact the Fire Marshal's Office about the Fire Suppression system requirements, or for any other questions related to fire safety at **281.997.4650\***



## MOBILE FOOD UNIT OPERATING GUIDELINES

**\*A copy of the City Ordinance, TFER Mobile Food Unit regulations, and UDC exception referenced above, are included in the back pages of this packet for informational purposes\***

- Per the Texas Food Establishment Rules (TFER), a mobile food unit must remain readily movable, as defined in Sec. 228.221 (a) (3). Food Trucks and Trailer Units are not meant to be permanent fixtures, and must retain their ability to be readily moved at all times. Trailer units requiring a vehicle for transportation, will require the vehicle to be available and present at the location where the unit is operating; and all appropriate transportation equipment should remain available and ready for use at all times.
- Per the Unified Development Code (UDC), a temporary activity permit must be obtained prior to setting up for service/sales at any location within city limits – and will only be allowed within specific zoning districts as noted in the following table:

Zoning District	Permit Required	Activity Requirements
(GB) – General Business	Temporary Event Permit Required	Four (4) events per calendar year, not to exceed a sale period of more than sixty (60) days.
(GC) – General Commercial		
(COD) – Corridor Overlay		

- An exception to the above is allowed for mobile food units wishing to set-up at a micro-brewery, micro-distillery, or micro-winery; as defined in UDC Sec. 2.5.3.2 (a)

An interactive city map may be found at <https://gis.pearlandtx.gov/interactivemap/>. You can enable the zoning layer to see which zoning district a property lies in. You may also visit the GIS mapping site at <http://gis.pearlandtx.gov/web/index.htm>, click the 'map gallery' tab near the top of the page, and find the 'zoning' map for further reference.

*Temporary Event Permits may be applied for at the Permits Office, and are approved by the Planning Department – and a fee of fifty dollars (\$50) is required.*

**ORDINANCE NO. 1559**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 11, *FOOD AND FOOD HANDLERS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, TO REPEAL THE EXISTING CHAPTER 11, *FOOD AND FOOD HANDLERS*; AND ADOPTING A NEW CHAPTER 11, *FOOD AND FOOD HANDLERS*; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Chapter 11, *Food and Food Handlers*, of the City of Pearland Code of Ordinances, is hereby amended to REPEAL the existing Chapter 11, *Food and Food Handlers*, and adopt a new Chapter 11, *Food and Food Handlers*, to read as follows:

**“CHAPTER 11 – FOOD AND FOOD HANDLERS**

**ARTICLE I. IN GENERAL**

**Sec. 11-1. – Adoption of state rules.**

There is hereby adopted the “City of Pearland Food and Food Handlers Code,” which shall consist of the most recent version of the Texas Administrative Code, Title 25, Part 1, Chapter 228, Texas Food Establishment Rules.

**Sec. 11-2. – Local amendments.**

The food and food handlers code adopted in section 11-1 is hereby modified as follows:

- (a) The following provisions are added:
- a. 228.2(153) – Code Enforcement/Health Officer – A City Code Enforcement Supervisor, or his/her designee, assigned to inspect food establishments, educate food establishments’ employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.
  - b. 228.2(154) – Reconstituted – Food created or prepared by recombining dehydrated food products with water or other liquids.
  - c. 228.2(155) – Sanitation – Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, and equipment.
  - d. 228.186(o)(2)(F) – in areas that are not used for food preparation or storage, a food establishment may at the owner or manager’s discretion allow patrons to bring dogs on the premises, after the food establishment has notified, in writing, the Code Enforcement/Health Officer that it intends to allow such action, and

posts notice of same in all areas where dogs are to be allowed by the food establishment.

(b) The following provisions are adopted in place of the identically numbered provisions in the Texas Administrative Code, Title 25, Part 1, Chapter 228:

- a. 228.2(57) Food establishment – Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as follows:
- i. A restaurant, retail food store, market, self-service food market, conveyance used to transport people, or institution, including any establishment where prepackaged food and food products are offered for sale to the ultimate consumer and intended for off premise consumption;
  - ii. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and
  - iii. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises.
  - iv. Food establishment does not include a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, a cottage food industry, an area where cottage food is prepared, sold, or offered for human consumption, a Bed and Breakfast Limited facility as defined in this chapter, a food bank, or a private home that receives catered or home-delivered food.

b. 228.2(85) – Mobile Food Unit (MFU) – A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and push carts) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have on site at least one food employee who possesses a food manager certification.

c. 228.2(143) – Temporary food establishment – A food establishment that operates a stand or booth for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

**Secs. 11-3—11-20. - Reserved.**

## **ARTICLE II. FOOD ESTABLISHMENTS**

**Sec. 11-21. Inspections.**

- (1) The Code Enforcement/Health Officer, after proper identification, shall be permitted to enter any food establishment at any reasonable time, for the purpose of making inspections to determine compliance with this chapter. The Code Enforcement/Health Officer shall be

permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

- (2) The Code Enforcement/Health Officer shall inspect each food establishment within the City of Pearland at least every six (6) months, and he/she shall make as many additional inspections as are necessary for the enforcement of this chapter. Any establishment scoring seventy-five (75) or below on an inspection will automatically receive a follow-up inspection within ten (10) days. A reinspection fee must be paid prior to follow up inspection. Failure to pay reinspection fee or a second score of seventy-five (75) or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the City shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (3) If a food establishment is being inspected for the first time by a City Code Enforcement/Health Officer, the following additional requirements apply:
  - (a) For a food establishment located at permanent premises, a Code Enforcement/Health Officer will only conduct an inspection to obtain a food service license after the food establishment has passed final inspections by the Building Official and the Fire Marshal, or their respective designees.
  - (b) For a food establishment operating as a Mobile Food Unit (MFU), a Code Enforcement/Health Officer will only conduct an inspection to obtain a mobile food unit license after any other inspections required for the specific type of MFU being operated have been completed and approval has been given by those entities.
  - (c) A food establishment located at permanent premises may not store any food defined as Time/temperature Control for Safety food (TCS) at the premises until after the Code Enforcement/Health Officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the Code Enforcement/Health Officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.
- (4) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. It is the responsibility of the food service manager to post the letter grade corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such letter grade shall not be defaced or removed by any person except the Code Enforcement/Health Officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter grade as required shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (5) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the Code Enforcement/Health Officer shall immediately suspend the license. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary food service license shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

**Secs.11-22—11-40. – Reserved.**

### **ARTICLE III. LICENSES**

#### **Sec. 11-41. - Licenses required.**

No person shall operate a food establishment who does not possess a valid license issued to him/her by the Code Enforcement/Health Officer. Such licenses shall be known as a "food service license", a "temporary food service license", or a "mobile food unit license", hereinafter referred to collectively as "license", "licenses", or "food licenses". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a license. Licenses are not transferable from one (1) person or place to another person or place. A valid license shall be posted in view of the public in every food establishment and every temporary food establishment. All food licenses shall remain the property of the City of Pearland.

- (1) Any person desiring to obtain a food service license shall make written application for such license on forms provided at the City's Permits Department or on the City's website. Such application shall include the applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.
- (2) Any person desiring to obtain a temporary food service license shall make written application for such license on forms provided at the City's Permits Department or on the City's website. In addition to the information listed in subsection (1) above, such application shall include the inclusive dates of the proposed operations; the name, address and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and a statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included. Licenses for temporary food establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.
- (3) Any person desiring to obtain a mobile food unit license shall make written application for such license on forms provided at the City's Permits Department or on the City's website. In addition to the information listed in subsection (1) above, such application shall include the physical address where the mobile food unit is stationed when not in use; the business name and address of the central preparation facility or other fixed food service establishment where the potentially hazardous food supplies are obtained; the address of the servicing area; a description of the mobile food unit which includes the manufacturer's make, model, serial or VIN number, and the vehicle's state registration number.
- (4) The Code Enforcement/Health Officer shall issue the appropriate license to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter.

#### **Sec. 11-42. - Mobile food units.**



- (1) Any person desiring to operate one (1) or more mobile food units shall obtain an individual license for each operating mobile food unit from the Code Enforcement/Health Officer. Each license will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this chapter as applicable. Such license shall remain the property of the City of Pearland.
- (2) No person shall operate or cause to be operated any mobile food unit which does not possess a valid license issued by the Code Enforcement/Health Officer. Any person, firm, or establishment who is found to have operated or caused to be operated a mobile food unit without a valid mobile food unit license shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (3) Such license shall be affixed by the Code Enforcement/Health Officer on the mobile food unit in a conspicuous place where it can be viewed by patrons. A license shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
- (4) Every mobile food unit must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.

#### **Sec. 11-43. - Fees.**

At the time of issuance of an original food service license or mobile food unit license, and each renewal thereof, the person requesting the license shall pay to the City a license fee. Except as otherwise provided, license fees shall be determined by the total number of persons employed full time or part time by the food establishment.

Fees shall be determined according to the schedule found in Ord. 1358 as it may be amended from time to time.

#### **Sec. 11-44. License valid for one year.**

All food service licenses and mobile food unit licenses shall be issued for a maximum of twelve (12) months.

- (1) Food service licenses are valid for the calendar year issued and expire on December 31 of the year issued. Submission of the proper application and any required fee(s) are required for issuance of new food service licenses. Establishments obtaining a new food service license after January 15<sup>th</sup> of a calendar year will be charged a license fee prorated on a daily basis.
- (2) Mobile food unit licenses shall be issued for a period of twelve (12) months beginning on the date of issuance. Submission of the proper application and any required fee(s) are required for issuance of new mobile food unit licenses.
- (3) Submission of the proper application and any required fee(s) are required to renew a license.
  - a. Food establishments renewing food service licenses will be charged the standard license fee for the type of license being requested until January 15, or the first business day after January 15. If an establishment wishing to renew a food service license submits the application and/or fee(s) after that time, it will be charged one and one half times the original license fee.



- b. Mobile food units renewing mobile food unit licenses will be charged the standard license fee after the expiration of a mobile food unit license. The mobile food unit license may be renewed with payment of the standard license fee up to fourteen (14) days prior to the expiration date of the license. All inspection requirements for a new mobile food unit license must also be met upon renewal of a mobile food unit license.

**Sec. 11-45. - Suspension of license.**

- (1) The City Code Enforcement/Health Officer may suspend any food service license or mobile food unit license with such notice as is reasonable under the circumstances, if the license holder does not comply with the requirements of this article, or if the operation of the food establishment or mobile food unit otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by subsection (2) below. Where a license is suspended, food service operations shall immediately cease.
- (2) Whenever a license is suspended, notice shall be given to the license holder or the person in charge of any employee or agent of the food establishment or mobile food unit. Such notice shall set forth:
  - (a) The specific conditions in the food establishment or mobile food unit which are in violation of this chapter or the specific conditions which constitute a substantial hazard to public health, and
  - (b) That the license holder may file with the municipal court a request for a hearing within three (3) business days after the license is suspended, but that if the food establishment is allowed to reopen before the hearing is held, the hearing will be cancelled,
  - (c) That, if a hearing is held, the license holder must appear in person and/or may be represented by counsel, and his/her counsel may present testimony and may cross-examine all witnesses.
- (3) Whenever a food service license is suspended, it may be physically removed from the premises by the Code Enforcement/Health Officer and retained at the office of the Code Enforcement/Health Officer until the suspension has been lifted or modified.
- (4) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the Code Enforcement/Health Officer.
- (5) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.

If the license holder fails to appear at the hearing at the time, place, and date specified, the City shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.

- (6) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the license suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the license

holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalties authorized under this chapter, it may reinstate the license.

- (7) Whenever the reasons for a suspension no longer exist, the license holder or the person in charge shall notify the Code Enforcement/Health Officer that the conditions under which the license was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required reinspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three (3) regular working days after the receipt of the request for inspection.
- (8) When a mobile food unit license which has been suspended is reinstated, a new license shall be affixed to the unit. A reinstated license shall include all of the same information as that which appeared on the license which was suspended, and shall not be reinstated until a reinspection has been completed and any required reinspection fee(s) paid.

#### **Sec. 11-46. - Revocation of license.**

- (1) A food service license or mobile food unit license may be revoked if:
  - (a) The license holder or his/her agents or employees interfere with an inspection of the food establishment by the Code Enforcement/Health Officer or his/her authorized agents, or
  - (b) There are repeated or serious violations of the applicable portions of this chapter, or
  - (c) There are repeated or serious violations of federal or state food laws or laws regulating food establishments as defined in this chapter, or
  - (d) In the case of mobile food units, the license holder or his/her agent has not reported an accident to the Code Enforcement/Health Officer within twenty-four (24) hours of the time the accident occurred, if such accident resulted in damage to the fire suppression system, water system, waste retention tank, food service equipment, or any facility or equipment which may result in the contamination of the food being carried or.
- (2) Prior to revocation, written notice shall be given to the license holder or person in charge. Such notice shall set forth:
  - (a) The grounds upon which the City will seek revocation of the license, including any specific violations of this chapter or of federal or state law upon which the City will rely in seeking revocation of the license. (b) That a hearing will be held before the municipal court.
  - (c) The date, time and place of such hearing.
  - (d) That the license holder may appear in person and/or be represented by counsel, may present testimony, and may cross-examine all witnesses.
- (3) Such hearing shall be held in accordance with this chapter. If the license holder fails to appear at the hearing at the time, place, and date specified, the City shall present sufficient evidence to establish a prima facie case showing that an act or acts have been committed which constitute ground(s) for revocation of a license.
- (4) After completion of the hearing, the court shall make written findings as to whether or not grounds exist for revocation of the license. If the court finds that grounds do exist for revocation of the license, he/she shall revoke such. If the license holder appears at the hearing, a copy of the court's findings shall be given to that person. If the license holder does not appear at the hearing, a copy of the court's findings shall be sent by certified mail,

return receipt requested, to the license holder. If the address of the license holder is unknown, or if such findings are returned undelivered, such findings shall be served on the person in charge of the food establishment or mobile food unit. Upon service of a written notice that the license has been revoked as provided herein, all food operations permitted by the license shall cease immediately. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the City shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

- (5) Whenever a license is revoked, it shall be physically removed from the premises or mobile food unit by the Code Enforcement/Health Officer.
- (6) In the event a license is revoked, the City shall not be liable to the license holder for any refund of any part of the license fee. Reinstatement of a license which has been revoked shall require application and payment of a license fee as if it were an initial application.

#### **Sec. 11-47. - Penalties.**

- (1) All provisions of this chapter shall be applicable to all food establishments unless otherwise required by law.
- (2) No food establishment shall be operated within the City unless it conforms with the provisions of this chapter.
- (3) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater than the penalty provided for the same or a similar offense under the laws of the State of Texas. However, nothing in this article shall be construed as requiring the Code Enforcement/Health Officer to report minor violations of this chapter for prosecution whenever the Code Enforcement/Health Officer believes the public interest will be adequately served in the circumstances by a warning.

A license holder shall ensure that the food establishment or mobile food unit is in full compliance with this chapter at all times.

The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.”

**Section 2. Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Thousand Dollars (\$2,000.00), or not greater than the penalty provided for the same or a similar offense under the laws of the State of Texas.

**Section 3. Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4.**    **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable 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 thereof.

**Section 5.**    **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 6.**    **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 7.**    **Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on the tenth (10<sup>th</sup>) day after its passage.

PASSED and APPROVED on FIRST READING this the 23<sup>rd</sup> day of April, A.D., 2018.

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TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the 14<sup>th</sup> day of May,  
A.D., 2018.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

# 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**

# **Texas Food Establishment Rules**

25 TAC §§228

Texas Department of State Health Services  
Division for Regulatory Service  
Environmental and Consumer Safety Section  
Policy Standards and Quality Assurance Unit  
Public Sanitation and Retail Food Safety Group  
P.O. Box 149347, MC 1987  
Austin, TX 78714-9347

Effective Date: October 11, 2015



# Texas Administrative Code

TITLE 25 PART 1  
CHAPTER 228  
SUBCHAPTER H  
RULE §228.221

HEALTH SERVICES  
DEPARTMENT OF STATE HEALTH SERVICES  
RETAIL FOOD  
REQUIREMENTS APPLICABLE TO CERTAIN  
ESTABLISHMENTS 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 control 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. 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 control for safety (NTCS) food and are dispensed from covered urns or other protected equipment, need not comply with the requirements of this chapter relating to the necessity of water and sewage systems nor to those requirements relating to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.

(3) Readily movable. 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.

(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 chapter.<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 in §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 in 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.

(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; and

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

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

(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 the requirements of this chapter relating to water and wastewater.

(B) A Mobile Food Unit that prepares food requiring no water for operations and no hand contact with food is exempt from the requirements of this chapter relating to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility. Chemically treated towelettes for handwashing may be used as specified in §228.147(a)(3) of this title.<sup>P</sup>

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

(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 Subchapter F of this chapter.

(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>P</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.

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**Source Note:** The provisions of this §228.221 adopted to be effective October 11, 2015, 40 TexReg 6901

# Unified Development Code

## Section 2.5.3.2 Regulations Specific to Use

- (a) **Micro-Brewery/Micro-Distillery/Micro-Winery** – Each facility must meet the following conditions:
- a. Maximum Size of the facility and all associated uses shall be 15,000 square feet.
  - b. The establishment will include at least one of the following uses, associated with the facility, and located in the same building: a restaurant, tasting room, bar, or lounge, that shall meet the following conditions:
    - i. All prescribed conditions associated with the retail, restaurant, tasting room, bar, or lounge shall be met including separation distances and buffers,
    - ii. The minimum size of the associated retail, restaurant, tasting room, bar, or lounge shall be 10% of the total square footage of the facility and all associated uses, or 1,000 square feet, whichever is less
    - iii. All Texas Alcoholic Beverage Commission (TABC) regulations will apply.

**Mobile Food Units and Concessionaires will be permitted for Breweries, Micro Distilleries, and Micro Wineries with the conditions as listed below and in conjunction with the CUP for the above mentioned uses.**

- (1) Number of Mobile Food Units and Concessionaires shall be limited to a maximum of three per site, with a minimum of one acre site area per Unit.
- (2) Vendors shall not use the site as a commissary.
- (3) Vendors shall not be allowed to stay overnight on the property and shall operate only during the hours that the brewery/distillery/winery is open.
- (4) The areas for Mobile Food Units and Concessionaires shall be outside the fire lane and will not encroach on required parking spaces for other primary and accessory uses on site.
- (5) Food handlers shall follow current Pearland standard for obtaining a “Food Handlers Permit”.
- (6) Mobile Food Units and Concessionaires shall not be located on parcels that are adjacent to residential uses or zones.
- (7) Mobile Food Units and Concessionaires shall be screened from view of adjacent streets, similar to parking spaces, as per applicable criteria outlined in Section 4.2.2.4 (d) of the UDC. Additionally, food trucks Mobile Food Units and Concessionaires shall not have their rear façade facing the street or circulation driveways, unless adequately screened as per the Screening and Fencing requirements in Chapter 4, Article 2, Division 4 of the UDC. Additional screening may be required as a condition of approval of the CUP.
- (8) Associated equipment, such as generators, gas tanks, etc. shall not be located in areas visible to the public or from streets and driveways, unless screened

from view, as per the Screening and Fencing requirements in Chapter 4, Article 2, Division 4 of the UDC.

(9) Additional parking shall be provided as per the UDC for food trucks and concessionaires.

(10) Other conditions of the CUP, as approved by the City Council.

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# Permits Division

City of Pearland  
3523 Liberty Drive  
Pearland, TX 77581  
Phone: 281.652.1638|Fax: 281.652.1702  
pearlandtx.gov

License # \_\_\_\_\_

## Mobile Food Unit License Application

**Business Name:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

### Owner Information:

Name: \_\_\_\_\_ Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone #: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ TDL# \_\_\_\_\_

### Vehicle Information:

Please check one: Hitched Trailer  Push cart  Motorized mobile unit

Make: \_\_\_\_\_ Serial/ VIN #: \_\_\_\_\_

Model: \_\_\_\_\_ License Plate #: \_\_\_\_\_

Address where the unit will be stationed when not in use: \_\_\_\_\_

### Operator's Information: (if different from owner listed above)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ TDL# \_\_\_\_\_

### Central Preparation Facility /Commissary

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

**Please read and answer questions below by placing a check next to the appropriate answer.**

Will you be selling pre-packaged foods only? YES  NO

Will you be utilizing propane to cook, prepare, or keep foods warm? YES  NO

Do you have a fire suppression system installed in your mobile food unit? YES  NO

**\*You must pass all required inspections to receive your Mobile Unit License registration sticker and operate in the City of Pearland. Please contact Code Enforcement at 281.652.1766 to schedule your inspections.**

**All required documentation listed on page 2 must be turned in at time of inspection.**

### FEE SCHEDULE

MOBILE FOOD UNIT -----\$225.00  
PROCESSING FEE -----\$ 25.00