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# EXHIBIT A

## Chapter 94 FOOD ESTABLISHMENT REGULATIONS

### Sec. 94.01 Adoption of state rules on food service sanitation.

The City of Mansfield hereby adopts by reference the provisions of the current Texas Food Establishment Rules (TFER) set forth in 25 Texas Administrative Code Chapter 228, including the FDA Food Code as adopted therein, as amended, which establish regulations regarding food, food establishments, mobile food units, food trucks and temporary food establishments, save and except the deletions and additions set forth below. The TFER are made part of this chapter as if fully set forth herein. Copies of the TFER are on file in the office of the city secretary, being marked and designated as the TFER, published by the Texas Department of State Health Services.

### Sec. 94.02 Definitions.

For the purpose of this chapter, the following terms shall have the meaning given below:

*Approved.* Acceptable to the regulatory authority, as hereinafter defined, based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

*Authorized representative.* The City of Mansfield Director of Code Compliance Department, or his/her authorized designee.

*Central preparation facility.* A facility used in conjunction with a mobile food unit in which:

- (1) Food is prepared, stored, and/or wrapped;
- (2) Fresh water and ice are supplied;
- (3) The mobile food unit's waste water is emptied into a proper waste disposal system; and/or
- (4) The mobile food unit is cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in a utensil-washing sink located in the mobile food unit.

*City Manager.* The City Manager of the City of Mansfield, Texas, or the duly authorized designee of the City Manager of the City of Mansfield Texas.

*Concession stand.* A food establishment operated on a seasonal basis for the purpose of providing food at sporting events associated with an independent school district, City of Mansfield, privately owned school, university, or community college.

*Conditional employee.* A potential food employee to whom a job offer is made, conditional upon responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act (ADA) of 1990.

*Core Item* shall mean a provision of this Chapter that is not designated as a Priority Item or a Priority Foundation item and includes an item that usually relates to general sanitation, operation controls, sanitation operating procedures, facilities or structures, equipment design, or general maintenance.

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*Food.* A 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, to also specifically include chewing gum.

*Food employee.* An individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

*Food establishment.* An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

*Food establishment—Grocery.* Any retail food establishment that sells fresh produce, fresh meats, or fresh seafood for either on-premise or off-premise consumption.

*Food establishment—Restaurant.* A retail food establishment that prepares and/or sells food for either on-premise or off-premise consumption.

*Food establishment—Convenience.* A retail food establishment that sells a limited selection of foods, not to include fresh produce, fresh meats, or fresh seafood, exclusively for off-premise consumption. Any food establishment with a seating area accessible to the general public that contains at least one table and/or one chair is presumed to prepare foods for on-premise consumption.

*Food establishment—To-go.* A retail food establishment that prepares and/or sells food exclusively for off-premise consumption. Any food establishment with a seating area accessible to the general public that contains at least one table and/or one chair is presumed to prepare foods for on-premise consumption.

*Imminent health hazard.* A significant threat or danger to health due to a practice, circumstance, or event which creates a situation that would likely lead to injury or a food borne illness, as determined by the regulatory authority, as hereinafter defined. Imminent health hazards include but are not limited to: lack of hot water, no electrical power, sewage back up, no water service, rodent or insect infestation as determined by the regulatory authority, or a food establishment receives more than 30 demerits during an inspection.

*Inspector.* A person conducting inspections of food establishments as a representative of the regulatory authority, as defined herein.

*Mobile food establishment.* A vehicle mounted, self-propelled, self-contained food establishment, designed to be readily moveable and used to store, prepare, display, serve or sell food. Mobile food units must completely maintain their mobility at all times. Notwithstanding, a mobile food unit shall also refer to "food trucks, hot trucks, cold trucks, and ice cream trucks."

*Person in charge.* The person present at a food establishment at the time of the inspection who is responsible for the food establishment's operations.

*Priority Item* shall mean application of a provision of this Chapter that contributes directly to the elimination, prevention, or reduction of hazards associated with food borne illness or injury to an acceptable level. This term shall include items with a quantifiable measurement to show control of hazards, including but not limited to cooking, reheating, cooling, and handwashing.

*Priority Foundation Item* shall mean application of a provision of this Chapter that supports, facilitates, or enables one or more Priority Items. This term shall include an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury, for example: personnel

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training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

*Private event.* An event at which food and/or beverages are offered to participants and that is held on publicly or privately owned premises that is not available for use by the general public and where entry to the event is governed by regulations or invitation, or where food and/or beverages are offered, sampled, sold or given only to event volunteers or event staff.

*Regulatory authority.* The City of Mansfield or its authorized designee.

*Temporary food establishment.* A food establishment operated for a temporary event not to exceed 14 consecutive days.

*Time as a public health control.* Using time only to monitor food instead of temperature.

*Time/temperature controlled for safety food.* A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

#### **Sec. 94.03 Regulations, permits, and preoperational inspections.**

- (a) It shall be unlawful for any person to operate a food establishment within the city limits without having been issued a valid food establishment permit, the fee for which is based on the type of food establishment being operated, as set forth in the City of Mansfield Code Compliance Department Fee Schedule. Only a person who complies with the requirements in this chapter shall be entitled to receive or retain a permit, and notwithstanding the fact that all inspections necessary for obtaining a food establishment permit have been completed, such permit shall not be issued until after the building or suite in which the establishment is to be located has been issued a certificate of occupancy by the city. Permits are not transferable from one person, place or entity to another person, place, or entity. A valid permit shall be posted in or on a conspicuous place of every food establishment in public view. Permits shall remain in effect until the last day of the month of issuance unless sooner revoked for cause, or as otherwise provided herein.
- (b) A temporary food establishment may apply for a temporary food establishment permit, which shall be in effect for a period of time not to exceed 14 consecutive days, in conjunction with an approved special event.
- (c) Mobile food establishments shall be considered food establishments and shall comply with all pertinent regulations contained herein, including obtaining a mobile food establishment permit; provided however, a mobile food establishment permit shall be issued for six month periods, twice a year, commencing on January 1 and remaining in effect until June 30 and July 1 remaining in effect until December 31. Any permit issued during the first six months of the year shall expire on June 30, irrespective of the date of issuance. Any permit issued during the second six months of the year shall expire on December 31, irrespective of date of issuance. There shall be no pro-ration of fees assessed after the first month of each period. Mobile food units shall operate from a central preparation facility or other permitted food establishment and shall report to such location daily for supplies and for cleaning and servicing operations. Use of a private residence as a central preparation facility is prohibited. Mobile food establishment applications must provide a valid driver's license, proof of insurance for the mobile food unit, notarized central preparation facility letter, and the latest central preparation facility inspection report from the regulatory authority. Mobile food establishments must be inspected by the Health Inspector before selling food at any event or any location.

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- (d) A temporary food establishment operated by or solely for the benefit of a nonprofit organization is exempt from the permit fee requirement. However, such food establishment is not exempt from the remaining permit requirements of this chapter, or from compliance with the rules.
  - (e) Any person desiring to operate a food establishment shall make application for a permit through the City of Mansfield Code Compliance Department. The application shall include the name and address of each applicant and the location and type of food establishment. An application for a temporary food establishment shall include the inclusive dates of the proposed temporary food establishment and the location of the event. Applications for a temporary food establishment shall be submitted no later than seven days prior to the event.
  - (f) The application shall be accompanied by a nonrefundable permit fee, as set forth in the City of Mansfield Code Compliance Department fee schedule, on file and available for inspection in the office of the city secretary.
  - (g) The Mansfield Independent School District shall be exempt from the permit fee.
  - (h) Every permit holder or person in charge shall at all times have available on the premises for inspection the certified food manager certificate and food handler cards for all employees of the food establishment.
  - (i) A food establishment permit that lapses for non-payment of the annual food establishment permit fee, will be reinstated upon payment of a reinstatement fee, except that permits lapsed for more than one month may not be reinstated without the appropriate plan review application, plan review fee, and food establishment permit fee.
  - (j) Whenever a food establishment is constructed or extensively remodeled, and whenever an existing structure is converted to use as a food establishment, or a change of ownership occurs, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is commenced. The plans and specifications shall include a proposed menu, proposed layout, equipment arrangement, mechanical plans, and construction materials of work areas, finish schedules and the type and model of proposed fixed equipment and facilities. No food establishment shall be constructed, extensively remodeled, or converted except in accordance with said approved plans and specifications. Plans shall be submitted to the Building Safety Department using the city's self-service portal. Deviation from the approved plans and specifications shall result in a food establishment permit denial, suspension, or revocation.
  - (k) If a food establishment is required to install a grease trap or grease interceptor, the trap or interceptor shall be located outside. A variance to this requirement may be granted to a food establishment located in the Historic Downtown District. The chief building official of the city will be responsible for determining the size of the grease trap or interceptor to be installed to service a food establishment.
  - (l) Food equipment that is certified or classified for sanitation by the National Sanitation Foundation (NSF) or the American National Standards Institute (ANSI) will be deemed to comply with food equipment safety requirements. Equipment labeled "for household use only" shall not be used in a food service establishment.
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**Sec. 94.04 Inspections.**

- (a) The regulatory authority shall inspect the food establishment prior to the issuance of the food establishment permit to determine compliance with any approved plans and specifications, compliance with other requirements of this chapter and shall determine whether a certificate of occupancy has been issued for the building in which the establishment is to be located. Upon making such findings, the regulatory authority may issue a food establishment permit, subject to annual renewal, continued compliance with the provisions of this chapter, and the existence of a valid certificate of occupancy for the building in which the establishment is located.
- (b) The regulatory authority shall inspect a food establishment at least twice annually and shall prioritize inspections based upon assessment of a food establishment's compliance and potential of causing foodborne illness. Inspection frequency of a food establishment may be increased, at the regulatory authority's discretion, based on the food establishment's history of compliance with this chapter and the potential for causing foodborne illness, including:
  - (1) Prior nonconformance with this chapter or with state or federal regulations, including priority items or priority foundation items;
  - (2) Prior violations of this chapter or with state or federal requirements, including core;
  - (3) Prior complaints investigated and found to be valid by the regulatory authority;
  - (4) Hazards associated with the particular foods that are prepared, stored, or served at the food establishment;
  - (5) The type of operations, including the methods and extent of food storage, preparation, and service;
  - (6) If the primary population served is a highly susceptible population; and
  - (7) Any other risk factors deemed relevant to the operation by the regulatory authority.
- (c) Food establishments shall receive three demerits for each violation of a priority item; two demerits for each violation of a priority foundation item; and one demerit for each violation of a core item found by an inspector during an inspection. Food establishments that score between 21-29 demerits will be inspected quarterly until three consecutive inspections of 15 demerits or less are met. Food establishments that score 30 demerits or more are inspected one time per month for three consecutive months. During these three consecutive months, a re-inspection fee will be paid for each inspection. The food establishment must attain a demerit score of 20 or less in each of consecutive inspections.
- (d) The director of code compliance or his/her designee shall classify food establishments as high priority, medium priority, or low priority; according to the type of operations, particular foods that are prepared, numbers of people served, susceptibility of the population served, and any other risk factor deemed relevant to the operation.
- (e) Additional inspections of the food establishment shall be performed as often as necessary for the enforcement of this chapter.
- (f) If during a routine inspection, immediate correction of a priority foundation item is not achieved, the regulatory authority shall verify correction of the violation within ten calendar days. If said priority foundation item is not corrected during the initial inspection, a re-inspection fee as set

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forth in the City of Mansfield Code Compliance fee schedule shall be assessed prior to follow up inspection.

- (g) When an inspection of a food establishment results in 31 demerits or more, it shall constitute an imminent health hazard and the food establishment shall immediately cease operations and remain closed until the regulatory authority conducts a re-inspection. The environmental health specialist who documents the violation shall provide his/her cell phone and his/her supervisor's cell phone to coordinate re-inspection over a weekend, but in no event shall the re-inspection occur later than the next business day. The health inspector shall endeavor to perform a re-inspection as soon as possible, including on a weekend, if possible. It shall be the responsibility of the permit holder to contact the regulatory authority at the provided phone numbers to schedule a re-inspection, and pay the re-inspection fee prior to the re-inspection being conducted. The food establishment shall remain closed until a re-inspection of the food establishment results in 20 total demerits or less.
- (h) Denial of access by a food establishment to the regulatory authority shall be cause for suspension or revocation of the food establishment's permit.
- (i) The Regulatory Authority shall standardize a system whereby a food establishment shall be issued a grade, based upon the inspection process and the assigned score described in this section. Each food establishment shall display the grade assigned in a place visible to the public, including but not limited to the frontmost forward facing glass surface, including a door or window.

#### **Sec. 94.05 Competency of inspectors.**

- (a) All inspectors shall be a registered professional sanitarian or a sanitarian-in-training in Texas.
- (b) Inspectors shall remain proficient and knowledgeable of current ordinances and professional standards.

#### **Sec. 94.06 Certified food protection manager and food handler requirements.**

- (a) There shall be a certified food manger on each shift and available for food service workers that may have questions about food service operations at each permitted food establishment. Certification must be obtained by passing an examination approved by the Texas Department of State Health Services and the regulatory authority. Temporary food establishments and food establishments that serve, sell, or distribute only prepackaged non-time and temperature controlled for safety foods and beverages are exempt from this section.
  - (b) A certified food manager is required for each section of each food establishment. The regulatory authority may require additional certified food managers in sufficient number to ensure that all areas of food preparation and food service are under the direction of such certified personnel.
  - (c) Upon termination or transfer of a certified food manager, the food establishment shall employ another certified food protection manager within 15 days of such termination or transfer.
  - (d) All food employees shall be required to successfully complete a food handler class approved by the Texas Department of State Health Services within 15 days of hire.
  - (e) Temporary food establishments and concession stands must have at least one certified food handler on duty during all hours of operation. A food handler certificate must be submitted to the regulatory authority upon submission of the temporary health permit application.
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- (f) A permitted food establishment that handles only pre-packaged food and does not prepare or package food is only required to obtain a food handler certification. One certified food handler per establishment must be on duty at all times during business hours, to meet the intent of safe food practices of this chapter.
  - (g) In the event of a change of ownership of a food establishment, the new owner/operator of a food establishment shall provide proof to the regulatory authority that the appropriate number of certified food protection managers will be on duty within 15 days of the change of ownership.
  - (h) A food establishment shall provide proof of food protection manager certification to the regulatory authority prior to being issued a food establishment permit.

**Sec. 94.07 Employee health.**

- (a) *Responsibility of permit holder, person in charge, and conditional employees.* The permit holder shall require food employees and conditional employees to report to the person in charge, information about their health and activities as they relate to diseases that are transmittable through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, such as the date of onset of symptoms and an illness, or diagnosis of a communicable disease by a medical professional.

**Sec. 94.08 Time as a public health control.**

A food establishment that uses time as a public health control shall submit written procedures on a form provided by the regulatory authority before using such control.

**Sec. 94.09 Hair restraints.**

- (a) Except as provided in subsection (b) herein, all food employees regardless of title, position, or establishment's own policy, shall wear hair restraints such as hats, visors, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (b) This section does not apply to food employees such as counter staff who only serve wrapped or packaged foods or beverages, bartenders, hostesses and wait staff if they present minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (c) If during the process of conducting an inspection, an inspector observes a food employee wear a hair restraint in an ineffective manner, the food employee will be asked to provide an effective means to restrain their hair from food and the violation will be noted on the inspection.

**Sec. 94.10 Physical facilities.**

- (a) Floors and floor coverings of all food preparation, food service, food storage, warewashing areas, walk-in refrigeration units, dressing rooms, locker rooms, and toilet rooms shall be durable, smooth, nonabsorbent, light colored, and easy to clean.

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- (b) Terrazzo, ceramic, or quarry tile may be installed as an approved floor covering. Floors shall be coved at the juncture of the floor and wall, with a  $\frac{3}{8}$ -inch minimum radius coving which shall extend up the wall at least four inches in all areas.
  - (c) Polished/sealed concrete used as flooring shall have a finished product thickness sufficient for the flooring to be smooth and easily cleanable. Floors shall be coved at the juncture of the floor and wall with a  $\frac{3}{8}$ -inch minimum radius coving which shall extend up the wall at least four inches in all areas.
  - (d) Epoxy resin and other poured monolithic floors, and other durable seamless flooring systems shall be installed to a finished product thickness sufficient for the flooring to be smooth and easily cleanable. Floors shall be coved at the juncture of the floor and wall with a  $\frac{3}{8}$ -inch minimum radius coving which shall extend up the wall at least four inches in all areas.
  - (e) All food establishments, including food warehouses, with dry storage areas not exposed to excessive moisture may install sealed concrete, vinyl composition tile, or an equivalent material as approved by the regulatory authority. A more moisture-resistant flooring may be required if the dry storage area is subject to moisture.
  - (f) *Prohibited floor covering.* The use of cardboard, sawdust, wood shavings, peanut hulls, or similar materials as a floor covering is prohibited.
  - (g) Floors shall be smooth, durable, and nonabsorbent, and shall be maintained in a condition that facilitates thorough and rapid cleaning. Floors shall be free of cracks, chips, holes, and deterioration. The regulatory authority shall require repair or replacement of any floor which fails to meet the requirements of this section. Any flooring in an existing food establishment that prepares food as listed above and needs repairing shall meet the minimum requirements for flooring for their food service operations.
  - (h) *Utility line installation.* Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines or pipes on the floor is prohibited.
  - (i) *Walls and ceilings.*
    - (1) *Maintenance.* Walls and ceilings, including doors, windows, skylights, and similar closures, shall be clean and maintained in good repair.
    - (2) *Construction.* The walls, including non-supporting partitions, wall coverings, and ceilings of walk-in refrigerating units, refrigeration storage areas, food preparation areas, dry storage areas, food storage areas, equipment-washing and utensil washing areas, toilet rooms, and vestibules shall be light colored, smooth, nonabsorbent, and easily cleanable such as fiberglass reinforced paneling (FRP), stainless steel ceramic, quarry or terrazzo tile or equivalent approved by the regulatory authority.
    - (3) The regulatory authority shall require durable and easily cleanable FRP in areas exposed to excessive splash in food establishments not involved in food preparation.
    - (4) Ceilings shall be light of color, smooth, nonabsorbent, durable and easily cleanable. Ceiling materials may be washable drop-in panels, vinyl-coated panels, taped and bedded sheetrock with light-colored epoxy or enamel paint, or an equivalent material as approved by the regulatory authority.
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- (5) Fibrous acoustical drop-in panels shall be prohibited in all food preparation, tableware and utensil warewashing areas, service areas, dry storage, toilet rooms, mop sink area, and any other area subject to moisture.
  - (6) *Exposed construction.* Studs, joists, and rafters shall not be exposed in those areas listed in food preparation areas. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.
  - (j) Hand sinks shall be located within 25 unobstructed linear feet of a food preparation, warewashing, or food dispensing area. A door or doorway is considered an obstruction and hand sinks must be installed on both sides of a door or doorway of these areas.

**Sec. 94.11 Outdoor areas, surface characteristics.**

The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions. These surfaces shall be leveled to prevent pooling of water, kept free of litter, and maintained in good repair.

**Sec. 94.12 Suspension of a food establishment permit.**

- (a) The regulatory authority may, without warning, notice, or hearing suspend a food establishment permit if the holder of such permit does not comply with the requirements of this chapter, or the operation of the food establishment does not comply with the requirements set forth herein, or, if the operation of the food establishment otherwise constitutes an imminent health hazard. If a food establishment is experiencing an imminent health hazard according to the regulatory authority, the food establishment may be closed for operations until the imminent health hazard has been eliminated. Suspension is effective upon service of the notice in accordance with section 94-15, herein, as amended. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder thereof shall be afforded an opportunity for a hearing within 20 days after receipt by the regulatory authority of a written request for hearing.
- (b) Whenever a permit is suspended, the holder thereof or the person in charge shall be notified in writing that an opportunity for a hearing shall be provided if a written request for hearing is filed with the regulatory authority within ten days after receipt of notice. If no written request for hearing is filed within a ten-day period, the suspension is sustained. The regulatory authority may terminate the suspension at any time if reasons for suspension no longer exist.

**Sec. 94.13 Revocation of a food establishment permit.**

- (a) The regulatory authority may, after providing opportunity for hearing, revoke a food establishment permit for serious or repeated violations of any of the requirements of this section or for interference with the regulatory authority in the performance of its duties.
- (b) Prior to revocation, the regulatory authority shall notify, in writing, the permit holder or the person in charge, of the specific reason(s) for which the food establishment permit is to be revoked and that the permit shall be revoked at the end of the ten days after service of such notice unless a written request for hearing is filed within the ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

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- (c) The holder of the revoked permit may make written application for a new permit.

**Sec. 94.14 Examination and condemnation of food.**

- (a) Any food subject to a hold order shall be tagged, labeled, or otherwise identified as such by an inspector. Food establishments are prohibited from using, serving, or moving any food subject to a hold order. An inspector's hold order shall permit storage of the food under the conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.
- (b) A hold order shall state that a request for a hearing may be filed within ten days after issuance thereof and that if no hearing is requested the food shall be destroyed. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this section.

**Sec. 94.15 Appeal**

- (a) All appeals from final suspension or revocation of a food establishment permit shall be made in writing to the City Manager. The appeal shall be filed in writing within ten (10) days of the occurrence of the suspension or revocation. The City Manager shall consider the appeal within thirty (30) days after notice of the appeal. The City Manager shall have the power to reverse a decision of the regulatory authority by making a finding that such a reversal will not adversely affect the health and/or welfare of the public. A decision of the City Manager regarding an appeal shall be rendered in writing.
- (b) All decisions of the City Manager shall be subject to review by the city council at one of its regularly scheduled meetings, if the appellant files a further appeal in writing with the City Secretary not more than thirty (30) days after the City Manager renders a decision reversing or upholding a decision of the regulatory authority. The decision of the City Manager will be final unless appealed to the city council within thirty (30) days, and unless reversed by the city council. The city council's failure to take action on any such appeal, or failure to set such an appeal as an agenda item for consideration at a regularly scheduled meeting, shall constitute approval of the decision by the City Manager.

**Sec. 94.16 Penalty provision**

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding two thousand and no/100 dollars (\$2,000.00). Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Sec. 94.17 Fee schedule.**

All fees referenced herein shall be as established from time to time by the city council and set forth in the City of Mansfield Code Compliance fee schedule.

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**Sec. 94.18      Mobile food establishments.**

- (a) A mobile food establishment is a vehicle mounted food establishment that is readily moveable.
- (b) Permit. A completed permit application form shall include the valid license plate number of the mobile food unit, a notarized form with the name and address of the commissary where products are purchased. A valid driver's license and proof of insurance will also be required at the time of application submittal. Mobile food establishments are only permitted to operate as part of a special event permit that has been approved by the City of Mansfield Planning & Zoning Department and/or the City of Mansfield Parks & Recreation Department.
- (c) Inspection. Each mobile unit must be inspected by the regulatory authority before a permit will be issued. All applicants for a permit must contact the regulatory authority at least 48 hours prior to scheduling an inspection appointment. The warmer, refrigeration and freezer units must be operational, fully stocked and have visible and accurate, numerically-scaled thermometers at the time of inspection and at all times thereafter. Cleaning supplies and sanitizer must be present in the vehicle at the time of inspection and at all times thereafter. In addition, Mobile Food Preparation Vehicles (e.g., Food Trucks) are required to register with the Fire Marshal's office. (No Fee) A fire inspection will be scheduled to check Type I Hoods, fire extinguishers for current tags, and a visual inspection of the propane delivery system. A current certificate from this jurisdiction's health authority is required prior to Fire Inspection. Vehicles not in compliance will not be permitted to operate in the Mansfield city limits. A citation could be issued for continued non-compliance.
- (d) Restricted operations.
  - (1) It is unlawful for mobile food establishments to sell food on any street, median or sidewalk of the city or residential property, except for ice cream trucks.
  - (2) It is unlawful for mobile food establishments to sell food within city parks unless the vendors have written agreement from the city and are part of an approved special event.
  - (3) Mobile food units will be subject to inspection in the field. The Health and Food Safety Department and the Fire Marshal's office will perform inspections prior to being approved to operate at a special event.
  - (4) It is unlawful for a mobile food establishment to operate within 1,000 feet of a school, an event operating with a special event permit or a city-operated event.
- (e) Types of mobile food units:
  - (1) Produce vendors. Vends nuts, uncut fruits and vegetables only.
  - (2) Ice cream trucks. Vends pre-wrapped and sealed ice cream, canned soft drinks, pre-packaged candy, chips and pickles.
  - (3) Mobile cold trucks. Vends pre-packaged prepared potentially hazardous and non-potentially hazardous food in individual packages for immediate consumption.
  - (4) Mobile hot trucks. Prepares and vends potentially hazardous and non-potentially hazardous foods on site. On this unit, food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

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- (f) General requirements. Specific requirements for mobile food units are determined by the type of unit as outlined in this article. In addition to the specific requirements for each type of mobile food unit, each unit must satisfy all of the following:
- (1) Business/firm name and phone number on both sides of the unit in at least three inch letters.
  - (2) A copy of the most recent inspection report must be on the unit at all times.
  - (3) All mobile food establishments must operate from a base of operation, such as an approved commissary or other fixed food establishments permitted and inspected by a city.
  - (4) The operator of the permitted mobile food establishment must report daily to the commissary for supplies, cleaning and servicing of the unit. Mobile food establishments must be stored at the commissary when not in use.
  - (5) Mobile food establishments are prohibited from remaining at the same location for a period of ten minutes after the last sale.
  - (6) Potentially hazardous foods must be hermetically sealed, dated, and labeled as to type of food and location of preparation. All PHF must be disposed of at the end of each day of operation. No home-prepared foods will be allowed.
  - (7) If food is purchased at a permitted food establishment, the establishment must be licensed with the appropriate state agency as a food manufacturer. These foods must meet the same packaging and labeling requirements as listed above.
  - (8) All condiments must be dispensed in single-service containers, packages or in an approved commercially filled dispenser-type container.
  - (9) Single-service cups must be dispensed in a sanitary manner.
  - (10) No direct food handling of any type will be permitted by mobile cold truck vendors or customers.
  - (11) All potentially hazardous cold foods must be kept at an internal temperature of 41°F or below. All potentially hazardous hot foods must maintain an internal temperature of 135°F or higher. Mechanical hot-holding and cold-holding units must have accurate, numerically-scaled thermometers conspicuously placed inside the units.
- (g) Specific requirements.
- (1) Ice cream trucks.
    - a. Must be an enclosed or covered truck or van with a smooth easily cleanable floor.
    - b. Must have an enclosed freezer with a visible and accurate, numerically-scaled thermometer to store ice cream.
    - c. All ice cream must be pre-wrapped, sealed, labeled and obtained from an approved source or commissary.
    - d. Pre-packaged candy, chips and soft drinks may be sold in single-service units.
    - e. Signs in front and rear of the unit bearing the words "Caution - Watch for Children" must be present in three-inch letters on a contrasting background.
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- f. Vehicles must have one revolving amber strobe light that is visible from a distance of 500 feet in the daylight and shall be placed on top of the vehicle. The light should be used only when slowing down or stopping in the right lane with flashing amber lights working.
  - g. All sales shall be conducted from the curb side of the vehicle.
  - h. Everything that is necessary for the operation of the truck must be on the truck.
  - i. Unit must be maintained in good repair and in a clean condition.
  - j. No sales shall be conducted after sunset.

(2) Mobile cold trucks.

- a. Must be an enclosed commercial unit operated from a truck with proper storage and display space.
- b. Must provide proper equipment (such as NSF-approved mechanical holding ovens, NSF-approved surfaces for food contact and cold storage areas) to keep potentially hazardous food at 135°F or above for hot foods or 41°F or below for cold foods. An accurate, numerically-scaled thermometer must be displayed inside both hot and cold storage units.
- c. Only pre-wrapped, bottled, canned or otherwise packaged food in individual servings for immediate consumption may be sold.
- d. All food must be properly labeled and obtained from an approved commissary. The label on all foods must declare the common name of the food, list of ingredients, contents by weight or volume, packaging date and the name and address of manufacturer or packer.
- e. Only non-potentially hazardous beverages dispensed from covered urns or other protected equipment may be served.
- f. If ice is used to keep food cold, it must be drained into a retention tank to be properly disposed of at the commissary location. No block ice allowed.
- g. Everything that is necessary for the operation of the truck must be on the truck.
- h. All condiments must be dispensed in single-service containers, packages, or an approved commercially filled dispenser-type container.
- i. An accurate, numerically-scaled metal stem thermometer is required to check food temperatures.
- j. Unit must be maintained in good repair and in a clean condition.
- k. An approved commissary is required, which is permitted and inspected by the appropriate regulatory authority, at which those foods to be sold are obtained and prepared, and also for servicing the unit.
- l. A spray bottle of sanitizer (appropriate mixture of approved sanitizer) must be available. All chemicals, cleaners, etc., must be stored away from food and food contact items.
- m. Appropriate chemical test kits must be present on the truck.
- n. A container of liquid hand sanitizer must be available for the operator.

(3) Mobile hot trucks.

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- a. Must be an enclosed commercial van designed for the transportation, storage and preparation of potentially hazardous and non-potentially hazardous foods.
  - b. Must provide proper equipment (such as stainless steel three-compartment sink, and stainless steel hand wash sinks), supplied with both hot and cold potable water under pressure.
  - c. Wastewater retention tank is required and must be at least 15 percent greater capacity than the potable water supply.
  - d. Water for hand washing and dish washing must be heated via an electrical, on demand system to generate water at a minimum temperature.
  - e. NSF-approved mechanical refrigerators, freezers, stoves, ovens and hot holding units are required to maintain potentially hazardous food at or above 135°F for hot foods or at or below 41°F for cold foods. Units used to store PHF must be provided with visible and accurate, numerically-scaled thermometers.
  - f. Unit must be provided with adequate ventilation, exhaust fans and proper lighting and shields.
  - g. All food must be obtained from an approved source or commissary.
  - h. Only non-potentially hazardous beverages that are dispensed from covered urns or other protected equipment may be served.
  - i. The serving of ice for beverages can be dispensed from an automatic dispenser or served by the mobile hot truck operator(s) only.
  - j. Everything that is necessary for the operation of the truck must be on the truck.
  - k. An accurate, numerically-scaled metal stem thermometer is required to check food temperatures.
  - l. Other items that must be present are liquid hand soap, disposable paper towels, approved sanitizer, chemical test kit, fire extinguisher and a first aid kit.
  - m. Operator must have a valid food protection manager certification. All other employees must have a valid food handler permit.
  - n. Unit must be maintained in good repair and in a clean condition.
- (4) Limited service pushcarts.
- a. An enclosed mobile food establishment capable of being maneuvered by one person.
  - b. Pre-packaged frozen desserts must be maintained frozen by means of dry ice or a mechanical freezer.
  - c. Everything that is necessary for the operation of the unit must be located on the unit. No additional ice bins, ice chests, tables, etc., are allowed. The unit must be a stand-alone, self-contained unit with a visible and accurate, numerically-scaled thermometer.
  - d. Units must be maintained in good repair and in a clean condition.
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