



FOOD ESTABLISHMENT CRITERIA MANUAL & GUIDELINES

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Health Inspection Process

Detailed health inspections are conducted at any time during normal business hours. Inspections are usually conducted at different times to get well rounded views of the activities of the facility. The basis of the regulations are to make sure that food offered to consumers is safe, unadulterated, and honestly presented. A risk based inspection is performed at each establishment in which all practices and records relating to food safety are observed, inspected, and documented. Routine health inspections begin with 100 points. Each violation has a numerical value based on its risk of food borne illness. Violations observed during the time of the inspection will be noted and deducted from 100 points to give the final sanitation score. Violations found during the inspection are documented. Whenever possible, the violations are expected to be corrected on site immediately. Violations not able to be immediately corrected will be reinspected during a follow up inspection within the specified time frame. If more than one follow up inspection is required a \$75 fee will be assessed. Establishments scoring below 70 percent will be closed until such time that a reinspection is made and all corrective action on all identified critical violations is complete. Corrective action on all other violations must be initiated within 48 hours. The establishment shall remain closed until reopened by the health authority.

The Division for Regulatory Services with Texas Department of State Health Services has amended the Texas Food Establishment Rules (TFER). This has been a large revision. TFER has taken the current rules adopted in 2006 which are based on the 2001 FDA Model Food Code, and conformed Texas regulations to the most current 2013 FDA Model Food Code. The new TAC 228 Texas Food Establishment Rules (TFER) became effective October 11, 2015.

The Food Establishment Inspection Report consists of 47 critical violations. Demerits ranging from one (1) point to three (3) points are issued when a food establishment is found in non-compliance. Demerits are categorized by Priority Items, in which three (3) points are deducted, Priority Foundation Items, in which two (2) points are deducted, and Core Items, in which one (1) point is deducted. The categories on the inspection report are the most important food handling practices that when not done properly, are most likely to lead to food borne illnesses. Reviewing the entire inspection history of an establishment, rather than an individual inspection score, will provide a more accurate picture of an establishment's commitment to food safety and sanitation.

The health authority may, without prior notice or hearing, suspend, deny or revoke any permit granted under this article to operate a food establishment, or temporary food establishment if the permit holder or person in charge does not comply with the requirements of this article, or if the operation of the food establishment otherwise constitutes a substantial hazard to public health. The city may suspend, deny and revoke a permit upon service of the notice. When a permit is suspended or revoked, a cease and desist order shall be issued and food service operations shall immediately cease.

An establishment may appeal such orders issued under this section to the health authority. The health authority shall hold a hearing as soon as practical to determine whether such cease and desist order shall continue into effect. The health authority may end the suspension or revocation at any time if reasons for such no longer exist.

Whenever a food establishment or temporary food establishment is required under the provisions of this section to cease operations, it shall not resume operations until such time as a reinspection determines that conditions responsible for the requirement to cease operations no longer exist or an appeal before the health authority is held. Opportunity for reinspection shall be offered no later than two business days. During the time a food establishment, or temporary food establishment is required to cease operations, a sign shall be posted on the outside of the establishment, clearly visible to a reasonably observant person, which shall state "Closed by The Colony Health Department."

Quick Health Department Facts

- QR Code Placards, and Health permit(s) must be posted conspicuously in the designated area. Registered Food Service Manager Certificates and State Issued/ANSI Food Handler Certificates must be accessible at all times and kept in a Health Binder for the Health Authority to review.
- There must be at least one Registered Food Service Manager (RFSM) on duty, on premise at all times during operations.
- Every food service employee shall, within thirty (30) days of employment, obtain a Food Handler Certificate from an accredited program.

Opening a New Restaurant

This outline of requirements is not to be construed as all-inclusive; it is to be used as a guideline only. The following documents must be submitted when:

A. Opening a restaurant in an existing space and/or change of ownership.

1. Completed application for Certificate of Occupancy.
2. Completed health permit application and fees submitted.
3. Copy of restaurant menu.
4. Floor plan of the space. (Plans must show floor, fixtures, equipment, layout, room finish schedule, location of floor and hub drains, etc).
5. Do not bring in any food related items/dry goods, small wares, or operate until authorized to do so by the health authority.

**** If you are planning on buying/leasing a pre-existing food establishment it is best to contact the health authority before purchase/lease. There may be additional requirements that must meet the current health codes prior to occupying.**

B. New constructions.

Follow the Commercial Construction Guidelines for new construction. Completed application for a Certificate of Occupancy.

1. Copy of restaurant menu.
2. Completed health permit application and fees. Contact the health authority for a preliminary inspection.
3. Floor plan of the space. (Plans must show floor, fixtures, equipment, layout, room finish schedule, location of floor and hub drains, etc).
4. Completed commercial application with 3 sets of construction plans.
5. Do not bring in any food related items/dry goods, small wares, or operate until authorized to do so by the health authority.

Pre-Opening Checklist

Application – Apply for health permit, submit floor plan, apply for Certificate of Occupancy, submit menu and pay all fees.

Floors – Smooth, easily cleanable, non-absorbent, light color, and durable floors in all food prep, bars, storage areas, dish wash areas, walk-in coolers, dressing / locker rooms, and toilet rooms. **Carpeting not allowed in these areas.** Cove base is required at all floor and wall junctures. **(Approved flooring material: Terrazzo, epoxy resin, ceramic tile, and quarry tile).**

Walls – Smooth (no texture), non-absorbent, light color, and durable walls in all food prep and storage areas, dish wash areas, toilet rooms and vestibules. NO flat latex paint. Use semi-gloss or high-gloss only. NO exposed studs, rafters, or joints. Seal coverings to wall. FRP (Fiberglass Reinforced Polyester) or stainless steel sheets behind sinks. Ceramic tile, minimum eight (8) feet in height, walls in dry storage areas must be painted with oil based enamel or epoxy paint. Restroom walls must be four (4) feet in height.

Ceilings – Smooth, non-absorbent, no texture or patterns, light color, and durable vinyl coated panels are required in the kitchen, dish wash areas, over bar, wait stations, restrooms, and/or store rooms.

Lighting – Fifty foot (50') candles for working surfaces and thirty (30') candles at dish wash surfaces are required for lighting. It is recommended that light be positioned directly over these areas.

Light Shields – Provide light shields over, by, or within food storage, prep, service and display areas, dish wash and equipment storage areas. Heat lamps must have shields surrounding and extending beyond bulb or shatter proof or tuff-coated bulbs.

Mechanical dishwashers – Spray or immersion type mechanical dishwashers must demonstrate that it cleans and sanitizes properly. Thermometers are required to check water temperature in tanks and final rinse if sanitizing with hot water. Test papers to check chemical sanitizer must be available. **Required for reusable tableware. Type II vented hoods are required over high temperature dishwashers.**

Dishwashing sinks – A three compartment sink large enough to completely submerge the items that are washed with self-draining drain boards on both sides. Additional easily cleanable and movable tables may be required. Test papers to check chemical sanitizer must be available.

Hand Wash Sinks – Located in toilet rooms, an additional sink is required in food prep and dish wash areas. Mounted liquid soap dispensers, mounted paper towel dispensers or electric blower/dryer, trash can and nail brush must be available. Hand wash sinks cannot be used for any other purpose and must be accessible at all times. **Hand wash sinks must be accessible and conveniently located within 25 linear feet to all food preparation and utensil washing areas.**

Hot and Cold Water – Required to all sinks by means of mixing valve faucets. If automatic water flow type faucets are used, water must stay on for at least twenty (20) seconds. **Hot water must be a minimum of 100° F maximum of 110°F for adequate hand washing.**

Doors and Windows – Tight fitting, self-closing doors and automatic air curtains are required. If open, they must be screened (16 mesh / inch screening) Garage type/retractable and/or roll up doors/windows require automatic air curtains. Outer Openings must be protected.

Utility Sink – At least one utility sink or curbed cleaning facility must be present in each establishment.

Toilet Facilities – Toilet facilities must be conveniently located and accessible to employees at all times. If there is more than 4 employees, separate male and female restrooms must be provided. All toilet seats must have open fronts.

Drain Tubes – Drain tubes are required from dispensing units and shall not pass through ice bin or ice machine.

Floor Drains –A minimum of 3” diameter floor drains must be properly installed and trapped for areas that receive liquid waste. .

Air Gaps – Air gaps must be twice the size of drainpipes and must be located in permanent salad bars, icemakers, ice bins, and any other equipment in which food or equipment is placed.

Back Siphonage and Backflow – There cannot be a cross connection between potable and non-potable water supplies. (Backflow preventers are required on all hose bibs).

Grease Traps – Grease traps must be located outside and serving all sinks, dishwashers and floor drains in food prep areas. Copies of clean out reports must be provided kept on file/in Health Binder accessible at all times and provided for the inspector. Minimum 1,000 gallons per establishment or as determined by the Building Official

Lockers – Lockers can only be in designated dressing rooms or in rooms containing completely packaged single service items. Must provide an area for personal belongings storage.

Laundry Facilities – If a washer is available, a dryer must be provided. Laundry items are limited to linens used in the establishment and must be located in a separate room provided or can be in rooms containing only packaged foods or packaged single service items.

Dumpsters and Compactors – Dumpsters and Compactors must be located on concrete or machine-laid asphalt.

Parking Lot and Walkways – Parking lot and walkways must consist of concrete, asphalt, or material treated to minimize dust and facilitate maintenance. Must be graded to prevent pooling.

Dumpster Drains – Dumpster drains must be connected to the sanitary sewer. Must be enclosed.

Sneeze Guards – A partition/barrier is required to be used to protect food from contamination over buffets, self service bars, food displays, etc.

Racks/Shelving – Racks/shelving must be elevated at least six (6) inches off of the floor and shall be constructed of non-corrosive materials such as stainless steel.

Equipment and Installation – All equipment shall meet or exceed National Sanitation Foundation Design Standards, commercial grade and must be mounted on six inch bullet legs, casters, or completely sealed to the floor. Adequate space should be provided between the walls and fixtures or equipment to allow free access for cleaning.

Food Contact Surfaces - Must be impervious to liquids, must not be painted, must be of corrosive materials and accessible for cleaning.

Facilities to Maintain Product Temperature – (Refrigeration and hot holding units) must maintain required temperatures of TCS foods. Accurate thermometers must be provided in each.

Vent Hoods – Vent hoods with removable filters are required over all cooking equipment and surfaces. Must comply with plumbing and mechanical codes.

Pest Control Contract – Professional pest control is required at least once a month. Frequency may be increased depending on the Health Authority. Documentation must be retained on premise for a minimum of one (1) year.

Grease Trap Service Agreement – Documentation must be retained on premise for a minimum of three (3) years. A permitted liquid waste hauler must be used.

Certified Food Managers – At least one RFSM is required to be on duty at all times during operation within thirty (30) days of employment. Must pay fees and register with the City of The Colony as a Registered Food Manager.

Food Handler Certifications – Food handler certifications are required by all food service employees within thirty (30) days of employment. Original/copies of state issued certificates/ANSI must be kept on premise at all times for the Inspector to verify. ****Keep in Health Binder****

Guidelines for Temporary Events

Off-Premise Temporary Events:

- A. Application for Temporary Food Establishment Permits must be made with the City of The Colony Health Department at 6800 Main Street. Applications must be made a minimum of **thirty (30) days in advance of the event. Applicant must be on time for specified inspection or permit may not be issued. I understand that if the application is filed, the permit fee will not be refunded, regardless of approval or denial of permit.**
- B. A list of all foods to be served must accompany the application for the permit and must be approved in advance by the Health Authority. Only those food items requiring minimum of handling, mixing or preparation (including but not limited to foods such as hot dogs or proportioned hamburgers) are allowed to be prepared inside the temporary facility. If the facility is fully equipped with sinks and hot and cold running water, preparation of other food items may be allowed as permitted by the Health Authority. **(ONLY FOODS APPROVED BY THE DEPARTMENT WILL BE ALLOWED FOR SALE AT THE EVENT. ALL OTHER FOOD ITEMS MUST BE DISCARDED OR CITATIONS WILL BE ISSUED).**
- C. Events consisting of 10 or more booths should have a designated representative to coordinate the affair with the Health Department. This representative should be a Certified Food Manager.
- D. Permitted Food items:
 1. All food distributed to the public must originate from an approved / permitted source and may not be prepared or stored in a facility not permitted by the appropriate Health Authority.
 2. **Home preparation or storage is not permitted.**
 3. All applicants that are not routinely inspected by/not in the city limits of The Colony Health Authority must provide past inspection records, temperature logs, food purchase receipts, Food Manager and/or Food Handler Certifications, and/or copies of permits/licenses from the appropriate Health Authority of jurisdiction. Supplemental documents may be required and will need to be submitted along with the application.
- E. Establishment Requirements:
 1. All temporary food establishments are required to have approved flooring, which includes concrete, asphalt, or tight-fitting plywood. If a booth is located on grass, a four-inch high platform will be required to elevate the floor to allow the proper runoff of rain water.
 2. All stands must have suitable covering over food preparation, cooking, washing, and serving areas. Such cover must meet Fire Code Requirements.
- F. Food Care in Temporary Establishment:
 1. All meat, dairy and perishable food products while being stored, prepared, displayed and transported must be kept at the following safe internal temperatures:

- a. Cold foods must be maintained at 41°F or below.
 - b. Hot foods must be maintained at 135 °F or above.
 - c. Hamburger patties must be cooked to an internal temperature of 155 °F during preparation (Reheat PHF'S to 165°F or above).
2. A metal stemmed thermometer and alcohol preps must be provided for checking food temperatures during preparation and storage.
 3. All condiments, including onions, relish, peppers, catsup, mustard, etc. must be in individual single service packets or should be dispensed from sanitary automatic dispenser.
 4. All foods, food containers, utensils, napkins, straws, etc. must be stored well above the floor and adequately protected from splash, dust, insects, weather or other contamination. No open displays of food products will be permitted. Baked goods such as cakes, cookies, pies, etc. should be sold wrapped as a whole or provided as wrapped, individual servings.
 5. When self-service ice dispensers are not provided, ice scoops are required. Handles of ice scoops must extend out of ice. Ice used for human consumption must be stored separately from ice used to refrigerate drink bottles, cans, or cartons. Ice storage units must have open drains to prevent submergence of chilled drink cartons, cans or bottles in melted ice water.

G. Sanitation in Temporary Establishments:

1. All stands in which open food will be handled or prepared will be required to have convenient hand washing and utensil washing facilities. The size, type, and number of sink compartments will depend upon the type of operation and will be determined by the Health Authority. Handwashing sinks/temp set ups and warewashing should be stored under canopy/tent.
2. Food handling personnel shall wash hands as frequently as necessary, including before putting on disposable gloves.
3. Those facilities which are in operation for more than 96 hours, and that sell non-packed time/temperature control safety (TCS) foods, must provide both hot and cold running water in quantities sufficient for hand washing by employees and for cleaning and sanitizing utensils and equipment.
4. Those establishments which are in operation for 96 hours or less, and that sell non-packed time/temperature control safety (TCS) foods must furnish the following facilities if hot and cold running water and sanitary sewage facilities are not conveniently available.
 - a. At least five gallons of potable water in a sturdy plastic dispensing container to be used for handwashing, utensil cleaning and sanitizing. If potable water replenishment is not readily available, additional containers of potable water may be required.
 - b. One empty sturdy pail or tub to collect wastewater from washing hands.

- c. An adequate size container of household liquid chlorine bleach and chlorine test strips for verifying a chlorine concentration of at least 50 parts per million (ppm) or Quaternary Ammonia (QA) and QA test strips 200-400 ppm.
 - d. Disposable paper towels and hand cleaning soap or detergent.
 - e. Three sturdy plastic pails or tubs at least two gallons capacity, one for washing (fill with water and dish soap), one with plain water (for rinsing off soap), and one with water and liquid chlorine bleach solution of 50 parts per million or greater (for sanitizing) or Quaternary Ammonia (QA) 200-400 ppm.
 - f. A sturdy five gallon plastic container with a small opening and funnel to receive and store liquid wastes until proper disposal can be made to a sanitary sewer system.
 - g. Convenient solid waste containers, preferably with plastic liners.
5. The use of tobacco and eating food is prohibited in food preparation and food service areas. All employee drinks shall have a lid and straw. Sitting on tables and counters is prohibited.
 6. Animals are prohibited in all food establishments.
 7. Wastewater from sinks, steam tables, etc. must be drained into the city sanitary sewer system or disposed of in accordance with liquid waste disposal ordinances and regulation.
 8. Ensure you arrive in a timely manner for proper and complete set up prior to the appointed Inspection time.

Guidelines for Seasonal Health Permits

The purpose of this guideline is to provide guidance regarding the minimum standards for permits issued seasonally. A seasonal health permit is a permit which allows a facility providing food to the public in a single designated location. The permit is valid for no less than 14 days and no more than 6 months and need not to be associated with a special event.

- A. Application for Seasonal Health Permits must be made with the City of The Colony's Health Department at 6800 Main Street. Applications must be made at least **fourteen (14) days** in advance of the start of the seasonal event. The activity schedule for the season must be submitted during the application process.
- B. A list of all food to be served must accompany the application for the permit and must be approved in advance by the Health Authority. Only those food items requiring minimum handling, mixing or preparation (including but not limited to foods such as hot dogs or proportioned hamburgers) are allowed to be prepared inside the temporary facility. If the facility is fully equipped with sinks and hot and cold running water, preparation of other food items may be allowed as permitted by the Health Authority. **(ONLY FOODS APPROVED BY THE DEPARTMENT WILL BE ALLOWED FOR SALE DURING THE SEASON. ALL OTHER FOOD ITEMS MUST BE DISCARDED OR CITATIONS WILL BE ISSUED).**
- C. The purpose of this type of permit is to allow food service establishments to serve food to the public on a routine basis for a period of time that is less than an annual health permit and the food service and handling that is limited by the Health Authority to preserve food safety to the maximum extent possible.
- D. Permitted Food Items:
 1. All food distributed to the public must originate from an approved/permitted source and may not be prepared or stored in a facility not permitted by the appropriate Health Authority. Same day receipts shall be available at the request of the Health Authority for those operating without a permitted commissary.
 2. Home preparation or storage is not permitted.
 3. At least one (1) Registered Food service Manager is required.
- E. Establishment Requirements:

All seasonal food establishments are required to operate from a permanent facility. All seasonal food establishments must be capable of maintaining required temperatures and protection from contamination for all food products.
- F. Food Care in Seasonal Health Establishment:
 1. All meat, dairy and perishable food products while being stored, prepared, displayed and transported must be kept at the following safe internal temperatures:
 - a. Cold food must be maintained at 41°F or below.
 - b. Hot food must be maintained at 135 °F or above.

- c. Hamburger patties must be cooked to an internal temperature of 155 °F during preparation (Reheat PHF'S to 165°F or above).
 2. A metal stemmed thermometer and alcohol preps must be provided for checking food temperatures during preparation and storage.
 3. All condiments including onions, relish, peppers, catsup, mustard, etc. must be in individual single service packets or should be dispensed from sanitary automatic dispenser.
 4. All food, food containers, utensils, napkins, straws, etc. must be stored well above the floor and adequately protected from splash, dust, insects, weather, or other contamination. No open displays of food products will be permitted. Baked goods such as cakes, cookies, pies, etc. should be sold wrapped as a whole or provided as wrapped, individual servings.
 5. When self service ice dispensers are not provided, ice scoops are required. Handles of ice scoops must extend out of ice. Ice used for human consumption must be stored separately from ice used to refrigerate drink bottles, cans, or cartons. Ice storage units must have open drains to prevent submergence of chilled drink cartons, cans, or bottles in melted ice water.
- G. Sanitation in Seasonal Health Establishments:
1. All seasonal facilities in which open food will be handled or prepared will be required to have convenient hand washing and utensil washing facilities. The size, type, and number of sink compartments will depend upon the type of operation and will be determined by the Health Authority.
- H. Food handling personnel must wash hands as frequently as necessary, and before putting on disposable gloves. Disposable gloves are required for open food contact.
- I. Facilities which are in operation and that sell non-packaged, time/temperature control safety (TCS) foods must provide both hot and cold running water from a commercially-constructed permanently plumbed hand washing sink and 3 compartment sink for cleaning and sanitizing utensils and equipment.
- J. Establishments which are in operation and that sell non-packaged, time/temperature control safety (TCS) foods must use NSF or equivalent refrigeration and/or hot holding equipment with approved power source.
- K. The use of tobacco and eating food is prohibited in food preparation and food service areas. Employee drinks shall have a lid and straw. Sitting on tables and counters is prohibited.
- L. Animals are prohibited in all food establishments.
- M. Wastewater from sinks, steam tables, etc. must be drained into the city sanitary sewer system of disposed of in accordance with liquid waste disposal ordinances and regulation.

Ice Cream Truck Guidelines

1. The vehicle must be clean, inside and out, painted, and in good condition. While vending, vehicle must be parked with the service window on the curbside of the vehicle.
2. The vehicle must be equipped with left and right outside rear view mirrors and two wide-angle mirrors; one located on the front and one located on the back of the vehicle.
3. The vehicle must be equipped with signs reading **WATCH FOR CHILDREN** and/or **STOP FOR CHILDREN** in 5" letters on both the front and the back of the vehicle. It is recommended that signs be present on all four sides of the vehicle.
4. The vehicle must have business name, phone number, and permit number affixed on both sides of the vehicle in 3" letters within 24 hours of the permitting inspection.
5. All vehicles must be equipped with operable four-way hazard lights and at least one permanently affixed amber light on the top of the vehicle.
6. It is recommended not to use mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise. **Vehicles will not be permitted with a sound generating device attached.**
7. It is recommended that a shield be installed along the rear bumper to prohibit children from standing or jumping on it.
8. Floors and floor coverings must be constructed of a smooth and durable material, such as linoleum or metal, and must be easily cleanable. Carpeting of any type is strictly prohibited. The use of anti-slip floor coverings will be allowed.
9. Walls and ceilings must be smooth, easily cleanable and non-absorbent. No carpet or exposed, raw wood is allowed.
10. All equipment must be mounted and properly secured to eliminate unsafe conditions.
11. Food storage units must be clean, in good repair, and properly designed to maintain food products at 0° F or below. A visible thermometer must be provided.
12. All ice cream must be pre-wrapped, sealed, labeled, and obtained from an approved source.
13. Pre-packaged candy, chips, and soft drinks must be sold in single portion units.
14. If soft drinks are cooled on wet ice, a retention tank must be provided for drainage purposes and must be disposed of at a designated service site.
15. A trash receptacle must be available to the customer from the outside of the vehicle.
16. A commissary is required. If the owner does not own an approved commissary, a Commissary Approval letter must be secured and filled out by the commissary owner, signed and

notarized. Provide a copy of the most recent health inspection of the commissary. Provide a copy of the current health permit of the commissary.

17. The vehicle must be returned to the commissary daily for servicing and loading of food products.
18. Copies of the Mobile Food Service Permit must be retained in the vehicle at all times.
19. All drivers must possess a valid Texas Driver License, Texas license plate and a Texas Safety Inspection Sticker.
20. Vendors shall not sell, distribute, or offer for sale any products or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary, or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when school is in session.
21. Vendors shall limit their hours to true daylight, which is defined as 30 minutes before sunrise to 30 minutes after sunset. Those units legally operating inside a park in accordance with Park Department approval may continue to operate during the hours set by the Parks and Recreation Department.

NOTES:

1. Vendors are prohibited from selling food and drink concessions on park property without prior approval from Development Services and Parks and Recreation Department.
2. Application must be made through the Development Services Department prior to approval of permit. A pre-inspection will be conducted for permit approval. You may not operate until the application is submitted, a pre-inspection has been conducted, and the permit is approved.

Mobile Food Truck Guidelines (Hot/Cold)

1. Mobile food trucks are approved to prepare time/temperature control for safety (TCS) foods and non-TCS foods on site. On commercially manufactured, motorized mobile food trucks, ready to eat foods are cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.
2. All mobile food trucks selling food within the city limits of The Colony, must obtain a valid Mobile Food Permit from the City of The Colony's Health Department by submitting a completed application and paying appropriate permit fees.
3. Each mobile food truck must be inspected by the Health Authority before the permit will be issued. All applicants must contact the Health Authority at least 48 hours in advance in order to schedule an inspection. **Arrive on time for inspection.** After vehicle has passed inspection, a mobile food permit will be issued for the unit. Permits are nontransferable from one unit to another unit. **Contact the Health Inspector or Customer Service to cancel/reschedule Inspections at least 2 hours before if you're not going to make it for the appointed time.**
4. All foods must be from an approved source. **No home prepared foods will be allowed.**
5. All trucks must operate from a base of operation, such as a commissary or other fixed food establishment permitted by the local Health Authority.
6. The operator of the permitted truck must report the truck daily to the commissary for all supplies and for cleaning and servicing of the unit.
7. TCS Foods must be hermetically sealed, labeled as to the type of food, location of preparation, and date of preparation. All TCS foods must be disposed of at the end of each day of operation.
8. All condiments must be served in single service containers, packages, or approved commercially-filled dispenser type containers. No bulk dispensers, bottles, or other similar containers will be allowed.
9. Must provide proper equipment (such as stainless steel three-compartment sink, stainless steel hand washing sink, supplied with both hot and cold potable water under pressure).
10. Waste water retention tank required and must be of at least 15% greater capacity than the potable water supply.
11. Water for hand washing and utensil washing must be heated electrically to generate water at a minimum of 100°F and not to exceed 110°F, and must be dispensed through an on-demand system.

12. National Sanitation Foundation (NSF) approved refrigerators, freezers, stoves, and hot holding units are required to maintain internal TCS foods at either 135°F or above or at or below 41°F. Units used to store TCS foods must be provided with accurate thermometers that are conspicuously located.
13. Unit must be provided with adequate ventilation, exhaust fans, and proper light shields.
14. A metal stemmed thermometer and alcohol preps are required to check food temperatures.
15. Other items that must be present are soap, disposable towels, sanitizer, sanitizer test papers, fire extinguisher and a first aid kit.
16. Operator must be a City of The Colony Registered Food Service Manager. A RFSM must be on the unit at all times during operations. All food employees must have Food Handler Certificates.
17. Business name and phone number must appear outside the unit on both sides and at the rear in at least three inch letters.
18. Unit must be maintained in clean condition. Food and single service articles must be properly stored at least six (6) inches above the floor.
19. All operators of motorized mobile food trucks must possess a valid Texas Driver License, proof of liability insurance, a current safety inspection sticker, and current vehicle registration.
20. Owners of each Mobile Food Truck must have a signed and notarized commissary form, most recent health inspection of the commissary, and a copy of the commissary's health permit.
21. **Provide at least two (2) proposed routing locations and the hours of operation of the unit within the City of The Colony.**
22. Cooking must not be conducted while the vehicle is in motion.
23. Service windows must be properly protected with screening of a size no larger than 16 mesh to the inch; must be tight fitting and free of breaks. The windows must be kept closed when not in service. **Mobile food trucks will be subject to inspection in the field at any time.**

Mobile Food Lunch Truck Guidelines

1. A mobile food lunch truck is defined as a commercially manufactured motorized mobile food truck from which only prepackaged foods and beverages are sold. Only pre-wrapped, bottled, canned, or properly labeled packaged foods in individual servings and non-TCS beverages in covered urns may be vended. Foods are sold in a way that no direct food contact results.
2. All mobile food trucks selling food within the city limits of The Colony, must obtain a valid Mobile Food Permit from the City of The Colony's Health Department by submitting a completed application and paying appropriate permit fees.
3. Each mobile truck must be inspected by the Health Authority before the permit will be issued. All applicants must contact the Health Authority at least 48 hours in advance in order to schedule an inspection appointment. **Arrive on time for inspection.** After the vehicle has passed inspection, a mobile food permit will be issued for the unit. Permits are nontransferable from one unit to another unit. **Contact the Health Department or Customer Service to cancel/reschedule appointments at least 2 hours prior to your appointment.**
4. All foods must be from an approved source. **No home prepared foods will be allowed.**
5. Proper equipment must be provided, such as mechanical ovens and electric refrigerators or blowers, to maintain potentially hazardous foods at proper temperatures.
6. The serving of ice for human consumption may be dispensed through an automatic ice machine or stored in an approved ice bin and dispensed by the operator.
7. Ice used as a coolant must be drained into a retention tank and must be properly disposed of at a designated service area.
8. Only single service utensils may be used.
9. A long stemmed type thermometer and alcohol preps must be provided to check food temperatures on the truck at all times.
10. All mobile food lunch trucks must report daily to the approved commissary and service area for food supplies, cleaning, etc. All trucks must be stored at the commissary when not in use.
11. All trucks must operate from a base of operation, such as a commissary or other fixed food establishment permitted by the Health Authority. A notarized Commissary Approval letter is required.
12. TCS foods must be hermetically sealed, labeled as to the type of food, location of preparation, and date of preparation. All TCS foods must be disposed of at the end of each day of operation. All condiments must be served in single-service containers, packages, or approved commercially-filled dispenser type containers.

13. TCS foods are those foods in which microorganisms can grow rapidly such as, meat, poultry, dairy products, and shell eggs.
14. All cold TCS foods must be kept at an internal temperature of 41° F or below, during storage in all units. All hot TCS foods must be maintained internally at 135°F or above in hot holding units. Both hot and cold holding units must be provided with a numerically scaled thermometer inside the unit.
15. If ice is used for cold holding it must be self–draining into a waste water retention tank which must be at least 15% greater in capacity than the volume of the ice to be properly disposed of at the commissary location.
16. The business name and phone number must be affixed to both sides of the vehicle in 3” letters within 24 hours of approval.
17. The driver of the truck must have a valid Texas Driver License, current auto insurance, a current safety inspection sticker and current vehicle registration.
18. The truck must be maintained and in clean condition.
19. Provide a current copy of the health permit of the Commissary and the current health inspection of the commissary, Register Food Manager Certificates and provide State issued/ANSI Food Handler Certificates for all food employees.
20. Must provide soap, disposable towels, and spray bottle of sanitizer. These items must be stored away from food and food contact items.
21. **Provide at least two proposed routing locations and the hours of the operation of the unit within the City of The Colony.**
22. **Mobile food trucks will be subject to inspection in the field at any time.**

Mobile Food Cart Requirements

1. Submittal of current photo identification (i.e., Texas driver's license).
2. Vendor is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or public amenities that directly relate to the use of the permitted location.
3. All carts must be in full compliance with this article and any applicable City Code provisions before any permit is issued.
4. Submittal of a completed permit application; plan review (site plan), vending route/location of operation/hours, signed commissary agreement, and toilet use agreement, if applicable.
5. Submittal of notarized approval from the property owner.
6. Construction specifications must be approved by the city.

(a) Examples	Is a cart, trailer, stand or other facility that is moved on site for the purpose of conducting business and selling food items. Examples include, but are not limited to the following: corn carts, or beverage carts.
(b) Documentation	Current photo identification, City of The Colony food manager certification, a valid food handler certifications, vending route/location/hours of operation/, menu, site plan, signed commissary agreement, toilet use agreement and notarized approval from the property owner.
(c) Location	Sites may be located in any zoning district deemed appropriate by the city manager or his designee. The city manager or his designee, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter.
(d) Approval	Administrative approval, through the health permitting process. Site plan required. Review required by the health department for a health permit.
(e) Duration	Unless suspended or revoked under the provisions of this article, a permit for a stationary cart shall be valid from the date of issuance until December 31. Permit must be renewed annually.
(f) Parking	If the location of such use is located on a parking lot, it shall be located only in excess parking spaces (i.e., spaces that have been provided in excess of the parking required by ordinance) and shall not infringe on the required parking for the commercial property.
(g) Setbacks	The use shall be set back from the public right-of-way, fire lane easement, public sidewalk, and/or adjacent property line a minimum of ten feet.

	The use shall be set back from the primary structure a minimum of five feet.
(h) Health department	See chapter 6 , food and food establishments in the Code of Ordinances, for additional requirements.
(i) Sanitary facilities	Required. The vendor must secure permission from the host property to allow vendor access to a commercially plumbed public restroom on site or provide an approved portable sanitary facility.
(j) Permit	(1) Health permit required. (2) Placement permit, including electric permit (through building inspections). (3) The health permit shall be posted in a conspicuous place and in a location as directed and determined at the discretion of the health authority to ensure proper notice to the general public and to patrons.
(k) Fee	Yes, as listed in the adopted city master fee schedule.

Limited Food Cart

1. **Definition.** "Limited food cart" means a mobile food unit that operates from a hand-pushed, non-motorized cart and sells items such as prepackaged ice cream, frozen confections, or hot dogs while moving from place to place. The cart must be easily moveable by one person.

2. **Requirements.**

- a. Submittal of current photo identification (i.e., Texas driver's license).
- b. All push carts must be in full compliance with this article and any applicable City Code provisions before any permit is issued.
- c. Submittal of a completed permit application; vending route/location/hours of operation, menu, signed commissary agreement, toilet use agreement, if applicable.
- d. Submittal of notarized approval from the property owner, if applicable.
- e. Construction specifications must be approved by the city.

(a) Examples	Sells items such as prepackaged ice cream, frozen confections or hot dogs.
(b) Documentation	Current photo identification, a valid food handler certifications, vending route/location/hours of operation, menu, signed commissary agreement and notarized approval from the property owner. City of The Colony food manager certification is required for hot dog sales.
(c) Location	Sites may be located in any zoning district deemed appropriate by the city manager or his designee.

	The city manager or his designee, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter.
(d) Approval	Administrative approval, through the health permitting process.
(e) Duration	Unless suspended or revoked under the provisions of this article, a permit for a push cart shall be valid from the date of issuance until December 31. Permits must be renewed annually.
(f) Health department requirements	See chapter 6 , food and food establishments of the Code of Ordinances, for additional requirements.
(g) Permit	Health permit required. The health permit shall be posted in a conspicuous place and in a location as directed and determined at the discretion of the health authority to ensure proper notice to the general public and to patrons.
(h) Fee	Yes, as listed in the adopted city master fee schedule

Snow Cone Establishment Guidelines

1. **Health Permit Required:** It shall be unlawful for any seasonal snow cone establishment to operate without a valid health permit issued by the City. Use the “Health Permit Application” form. The fee for this permit is **\$100.00**.
2. **Food Handler Card Required:** Every snow cone establishment employee shall, within 30 days of the date of employment, be the holder of a valid food handler card issued by an accredited program.
3. **Refer to Temporary Use Permit Checklist for Snow Cone Uses for additional requirements and permits needed to operate.**

ON SITE REQUIREMENTS:

1. **Food Products:** Only snow cones and commercially prepackage prepared non TCS foods may be offered for sale at the food establishment. Snow cones and snow cone products shall be defined as crushed or shaved ice served in single-use containers and topped with flavored syrups. All products must originate from an approved source. Provide menu.
2. **Restrooms:**
 - a. Snow cone establishments shall have adequate toilet and lavatory facilities available for use by all establishment employees within a 200-foot radius of the establishment facility.
 - b. If liquid waste disposal facilities and toilet and lavatory facilities are located off-site, a notarized letter signed by the owners/operators of the establishment where the facilities are located, must be submitted with the permit application giving written permission for the food establishment

personnel to use such facilities and that the facilities will be available for use at all times during the food establishment's hours of operation.

3. **Provision of Ice:** Ice shall be obtained in chipped, crushed, cubed or blocked form and in single-service containers, filled and sealed at the point of manufacture from licensed approved manufacturers. The ice shall be held in these bags until dispensed in a way that protects it from contamination.

4. **Water Supply:**

- a. All equipment used for a potable water supply system shall be listed for that use by an organization acceptable to the health authority, and shall be installed and operated according to law.
- b. All potable water not provided directly by pipe to the establishment from a water source complying with all Texas Commission on Environmental Quality rules for a public drinking water system shall be transported in a bulk water transport system or individual containers and shall be delivered by direct connection to a closed water system by direct hose attachment from a water source complying with all Texas Commission on Environmental Quality rules for a public drinking water system. All potable water containers or hoses shall be used only for water supply purposes.
- c. A closed water system of sufficient capacity to furnish an adequate quantity of potable water for cleaning and hand washing purposes (at least fifteen (15) gallons) shall be provided at each snow cone establishment. If at any time the health authority determines that fifteen (15) gallons is not adequate to meet the needs of the operation, the capacity must be increased to a volume approved by the health authority.
- d. An instantaneous water heater system capable of producing water of 100 degrees Fahrenheit interconnected with the potable water supply shall be provided.
- e. The water system shall be capable of delivering a water supply under pressure of at least fifteen (15) pounds per square inch ("psi") at all times. If the water pressure cannot be provided by gravity flow, then a tank and a pump or other means shall be installed that will provide the minimum pressure specified.

5. **Liquid Waste:**

- a. Where snow cone establishments are not connected to a public sewage system, all liquid waste from the operation shall be held in an approved, permanently installed liquid waste retention tank.
- b. The liquid waste retention tank shall have a capacity at least fifty (50) percent greater than the potable water tank.
- c. All waste lines shall be properly installed and connected to the liquid waste retention tank with waterproof seals.
- d. The liquid waste discharge pipe from the liquid waste retention tank shall not be located inside the building housing the snow cone establishment.
- e. There shall be separate size fittings required between water supply and liquid waste connections.

6. Disposal of Wastewater:

- a. It shall be unlawful for any person to dispose of wastewater in a manner other than as set forth in Chapter 12 of the Code or Ordinances or the most recently adopted International Plumbing Code.
- b. Each snow cone establishment shall have liquid waste disposal facilities conveniently located (within a 200-foot radius of the establishment facilities) and accessible for use by establishment employees at all times.
- c. Liquid waste disposal facilities must be accessible to snow cone establishment employees during all hours of operation, including opening, setting up, and cleaning up after closing to the public as well as during business hours of the establishment.

9. Inside & Outside Garbage Containers: An easily cleanable, leak-proof, and covered trash container shall be provided on the inside and outside of the snow cone establishment facility.

10. Single Service Articles: Cups, containers, lids, and straws shall be designed and constructed for food contact, and one time one person use.

11. Home Canned/Prepared Foods: Not allowed.

12. Sanitizer Solution: A container of an approved sanitizer (chlorine 50ppm – 200ppm) of (QA 200ppm-400ppm) shall be available to sanitize surfaces, utensils, and equipment. Appropriate test strips must be available to test the concentration of the sanitizing solution.

13. Equipment and Utensil Cleaning: A three (3) compartment sink is required. Items must be washed, rinsed, and sanitized.

14. Handwashing: Operators must be able to wash their hands. Single service paper towels, a towel dispenser, liquid hand soap, and soap dispenser required. A minimum of one (1) sink is required.

15. Doors and Windows: Shall be solid, tight-fitting, and screened. Doors shall be self-closing. Counter service openings shall be no larger than necessary and kept closed when not in use.

16. Countertops: All exposed surfaces of all countertops, cabinetry, and shelving shall be finished with a smooth, nonabsorbent, corrosion resistant, easily cleanable surface. Unfinished construction is not allowed. All wood must be sealed with washable paint.

17. Walls and Ceilings: Must be smooth, durable, and easily cleanable.

18. Lighting: Shield light bulbs or provide coated or shatter resistant bulbs.

19. Floors: Shall be smooth, non-absorbent, and easily cleanable. Equipment and shelves shall be elevated a minimum of six (6) inches. No carpet is allowed.

Onsite Feeding Locations/ Food Bank/ Food Pantry Guidelines

These guidelines are not a substitute for the Texas Food Establishment Rules or other applicable statutes, rules or local ordinances, which may apply to these facilities.

If an onsite feeding location, and food bank has time/temperature control for safety food (TCS) the facility must meet physical facility requirements for food establishments as listed on the pre-opening checklist (refer to page 3). Facility must contact Health Department prior to operating with TCS foods for approval.

If you are planning on buying/leasing a pre-existing onsite feeding location or food pantry it is best to contact the health authority before purchase/lease. There may be additional requirements that must meet the current health codes prior to occupying. All equipment must be commercial grade (NSF Approved).

Definitions

Onsite feeding location:

- Operates with the intent of preparing and serving food to the hungry at reduced or no cost;
- Receives, holds, and processes food to be consumed on the premises; and
- Is analogous to a restaurant.

Food Bank:

- Receives, holds, packages, repackages and distributes food to food shelves and onsite feeding locations. Food is not prepared onsite; and
- Is analogous to a manufacturer/processor, warehouse, and or/food salvage operation

Food shelf/pantry:

- Operates with the intent of distributing prepackaged food and personal care items to individuals and families at reduced or no cost;
- Receives, holds, and distributes prepackaged food and personal care items; and
- Is analogous to a grocery/convenience store

Time/Temperature Control for Safety (TCS) food--(formerly Potentially Hazardous Food (PHF):

- A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- An animal food that is raw or heat-treated
- A plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixture of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

Note: Food operations may consist of one or more of the categories above. Requirements may vary based on the nature of the operation. Requirements for onsite feeding locations are generally more restrictive, due to the increased potential of food contamination. If there is food preparation or repackaging, the regulatory authority should be contacted for equipment and facility requirements. Health permit applications, floor plans, and fees must be submitted, prior to approval to operate by the Health Authority.

Employee Training

Onsite feeding locations and other locations preparing food must have:

- At least one Registered Food Manager is required to be on duty at all times during operation within thirty (30) days of employment. Must pay fees and register with the City of the Colony as a Registered Food Manager.
- Food Handler Certificates are required by all food service employees within thirty (30) days of employment. **(State Accredited or ANSI)**
- Food banks or food pantries with TCS foods must have:
- At least one Registered Food Manager is required to be on duty at all times during operation within thirty (30) days of employment. Must pay fees and register with the City of the Colony as a Registered Food Manager.

If a food bank or pantry is prepackaged good items only no food manager is required.

Do's and Don'ts for Sources of Food

All TCS and non-TCS processed foods received must come from sources approved by the regulatory authority (i.e. licensed restaurants, approved food processors).

DO ACCEPT

- Dried goods, (e.g., sugar, flour, etc);
- Food products that do not require refrigeration;
- Whole, fresh fruit;
- Whole, fresh vegetables;
- Baked goods (not cream-meat-filled);
- (Unopened) commercially packaged or canned foods in sound condition; and
- Condiments (e.g., salt, sugar, ketchup, relish, mustard, jams and jellies).

DON'T ACCEPT

- Leftover food from a patron's table;
- Swollen, leaking, rusty, severely dented food containers;
- Unpasteurized dairy products;
- Spoiled foods;
- Processed TCS foods prepared in a private home;
- Home-canned foods of any kind;
- TCS foods that were not stored/maintained at a temperature below 41°F or above 135°F;
- Ingredients that have not been stored according to the manufacturers' instructions;
- Physically or chemically contaminated foods;
- Ungraded/uncandled shell eggs;
- Custom processed meats or poultry; and
- Distressed foods damaged by fire, flood, or accident, unless licensed and approved by the Texas Department of Agriculture.

Infant Formula

Do not buy or use infant formula after its use-by date. Federal regulations require a use-by date on the product label of infant formula. If consumed by that date, the formula must contain

not less than the quantity of each nutrient as described on the label. Formula must maintain an acceptable quality to pass through an ordinary bottle nipple. If stored too long, formula can separate and clog the nipple.

Food Delivery and Transportation

Vehicles used to transport food must be maintained in a clean and sanitary condition to protect food from contamination. A vehicle used for transporting refuse or garbage may not be used for transporting food. Appropriate hot and cold holding equipment must be provided to maintain temperatures of TCS food during transportation at 140°F or greater for hot foods and 41°F or less for cold foods. If food temperatures cannot be maintained then mechanical refrigeration or hot holding equipment is required.

Food Salvage

Any cans with the following must be discarded:

- Sharp dents
- Dents on seams on side or at junction of side and end
- Swollen or bulging
- Pitted rust or leaking
- Missing or illegible labels

Any jars with the following must be discarded:

- Loose cap or bulged safety seal
- Inner seal or tamper resistant tape missing or broken
- Leaking, cracked, or chipped containers
- Missing or illegible labels
- Unusual product separation or discoloration

Food Package Dates

Types of Dates

- A "**Sell-By**" date tells the store how long to display the product for sale. You should buy the product before the date expires.
- A "**Best if Used By (or Before)**" date is recommended for best flavor or quality. It is not a purchase or safety date.
- A "**Use-By**" date is the last date recommended for the use of the product while at peak quality. The manufacturer, packer or distributor of the product on the basis of product analysis, tests, or other information, selects the use-by date. It is also based on the conditions of handling, storage, preparation and use printed on the label.

Safety After Date Expires

Except for "use-by" dates, product dates don't always refer to home storage and use after purchase. Freezing before expiration date can extend expiration date. But even if the date expires during home storage, a product should be safe, wholesome and of good quality – if handled properly and kept at 41° F or below.

Storage Times

Ready to eat TCS foods prepared in the establishment or an opened original manufacturers container must be dated and consumed within seven days of preparation or opening.

Imminent Health Hazards

If any of the following conditions exist, a food establishment should close voluntarily and call the Health Department immediately for advice:

- Lack of potable water
- Inadequate amount of refrigeration
- Sewage back-up
- Lack of sanitation, which is defined as a score of 69 or below on an inspection
- Lack of hot water
- Extended interruption of electrical or water
- Misuse of poisonous/toxic chemicals
- On-set of an apparent food-borne disease outbreak
- Fire/flood
- Failure to exclude an infectious employee
- Other conditions which affect public health
- Non-compliance issue: any violation documented three (3) consecutive inspections, will require a follow-up inspection within 48 hours

Failure to report imminent health hazards may result in citation(s) issued, fees assessed, and/or closure of the establishment until approved by the Health Authority.

CONTACT INFORMATION

For more information about the City of The Colony Health Department, please refer to our website at www.thecolonytx.gov.

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