



APPLICATION FOR MOBILE FOOD ESTABLISHMENT PERMIT

**APPLICANT INFORMATION:**

Name of Business: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

Texas Tax Permit # or Non Profit Tax #: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**MOBILE FOOD ESTABLISHMENT INFORMATION:**

Type of Unit:     Truck     Trailer     Other: \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ State: \_\_\_\_\_ License Plate #: \_\_\_\_\_

Number of Employees: \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

Location or Placement of Establishment: \_\_\_\_\_

Name of Business Onsite: \_\_\_\_\_

Property Owner: \_\_\_\_\_

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

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Type of food(s)/beverage(s) or specific food(s)/beverage(s) to be vended: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUIRED DOCUMENTATION:**

In addition to the application for a mobile food establishment, the following documents **MUST** be included in the submittal:

- Copy of Northeast Texas Health Department Permit. A Mobile Food Establishment permit must be issued to the Applicant from NETHealth before application approval.
- Commissary Approval Verification
- Use of Private Property and Restroom Agreement
- Site Plan showing the location where the mobile food establishment will operate
- Certified Food Manager Certificate
- Copy of Liability Insurance

**APPLICATION SUBMITTAL:**

Once you have completed the application and have obtained all required signatures you may submit the application:

- In person at City Hall, 101 Bascom Rd, Suite A, Whitehouse, TX 75791
- By fax – 903-510-7502
- By email – [city@whitehousetx.org](mailto:city@whitehousetx.org)

For questions concerning the application for mobile food establishment permitting process call 903-510-7502 or by email at [city@whitehousetx.org](mailto:city@whitehousetx.org).

Applicant is responsible for contacting the departments for inspections. If defects are found those must be corrected prior to issuance of the permit.

Fire Inspection (903) 510-7531

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Building Inspection (903) 510-7502

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Net Health / NETPHD (903) 535-0037

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**PERMIT APPROVAL AND PICK-UP**

Upon approval, the application will be notified and may obtain the permit at City Hall. The permit fee is \$200 and valid for one year after the date of issuance.

**APPLICANT ACKNOWLEDGEMENT AND SIGNATURE:**

By signing this application, the applicant acknowledges receipt of the guidelines for mobile food establishments which are provided as part of this and understands that failure to comply with the City of Whitehouse regulations pertaining to mobile food establishments may result in citations for violations and/or closure of the facility until violations are corrected.

---

Applicant (Printed Name)

---

Applicant Signature

---

Date



## City of Whitehouse

### ORDINANCE NO. 19-1022-01

**AN ORDINANCE ESTABLISHING REGULATIONS FOR MOBILE FOOD UNITS AND MOBILE FOOD PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Whitehouse, Texas is a Home Rule municipality; and

**WHEREAS**, the City is authorized by state law to pass ordinances that further the health, safety and general welfare of its citizenry; and

**WHEREAS**, the City has determined that Mobile Food Units and Mobile Food Parks, when properly regulated, can provide its citizenry with another retail food option; and

**WHEREAS**, the City hereby passes this Ordinance regulating Mobile Food Units and Mobile Food Parks.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITEHOUSE, TEXAS, AS FOLLOWS:**

#### **SECTION I DEFINITIONS**

- A. Mobile Food Unit shall mean vehicle(s) that is designed to be readily movable from which food is sold or served. The term includes, but is not limited to, a commercial and manufactured vehicle that was originally manufactured for use as a food preparation vehicle.
- B. Mobile Food Park shall mean locations designated for the operation of two or more Mobile Food Units.

#### **SECTION II REGULATIONS**

- A. Any and all individual(s) and/or entity(ies) wishing to operate a Mobile Food Unit shall first obtain a permit issued by the City of Whitehouse. A permit may be obtained through the Whitehouse City Secretary's office. The amount for said permit shall be \$200.00 per year.
- B. Any and all Mobile Food Units shall be located on a site approved by the City, with said site being located in a proper zoning district as referenced in Section III of this Ordinance.
- C. Mobile Food Unit(s) shall not be parked on an unimproved surface and at a minimum be parked on compacted gravel.
- D. Mobile Food Unit(s) shall be removed from approved locations daily. Each Mobile Food Unit shall report to its designated commissary at least once a day for food, supplies, cleaning and servicing as required by NET Health or successor.

- E. Any and all Mobile Food Units operating within the city limits must adhere to the following health and safety requirements:
- (i) A self-closing trash receptacle must be next to each unit of sufficient size to accommodate trash and refuse that may be reasonably expected to be produced by the sale of the food product(s) produced by each Mobile Food Unit.
  - (ii) The area in and around each Mobile Food Unit must be kept clean and free of all debris, food, drinks, and any and all trash and/or refuse which may produce an unsightly and/or unsanitary condition.
  - (iii) All Mobile Food Unit(s) shall comply with City of Whitehouse Mobile Food Vendor requirements and provide fire prevention tools as required by the City of Whitehouse Fire Department.
  - (iv) Permanent restroom facilities shall be located within a distance of 500 feet from each Mobile Food Unit or Mobile Food Park. The owner(s) and/or entity(ies) must provide documentation to the City of Whitehouse concerning the availability of such restroom facilities prior to the issuance of a permit.
  - (v) All Mobile Food Unit(s) must be at least 300 feet from the door of a restaurant. Mobile Food Parks shall be measured from the park's closest property line. Should the distance be closer than 300 feet, the Mobile Food Unit or Mobile Food Park must have written permission from the affected restaurant.
- F. Any and all Mobile Food Unit(s) must be removed from their location daily.
- G. Any and all Mobile Food Units must be located on private property or a Mobile Food Park. Under no circumstance will a Mobile Food Unit be allowed on any public street or public right-of-way.
- H. Any unauthorized connection to the City of Whitehouse's public water system and/or the dumping or release of grease into the City of Whitehouse's sanitary sewer system shall be prohibited. Any such act shall be a violation of this Ordinance, and shall be subject to the issuance of a citation and/or injunctive relief by a court of competent jurisdiction.
- I. Any connection to utilities such as: electricity, potable water, or sewer is prohibited unless located operating under a City of Whitehouse Special Event Permit, at an approved food truck park in accordance to the park's rules or while the mobile food unit is being serviced or stored at its permitted central preparation facility
- J. Any and all individual(s) and/or entity(ies) operating a Mobile Food Unit on private property or any city park must have a written agreement authorizing such operation with the landowner or city. Each individual and/or entity operating a Mobile Food Unit shall maintain a copy of the written agreement at their location and produce said agreement to any city official upon request.
- K. Any and all Mobile Food Units operating within the City of Whitehouse city limits shall not operate a Mobile Food Establishment without a valid permit or license to operate issued by the regulatory

authority which is the Northeast Texas Public Health District (NET Health). (Reference TFER 228.247)

- a. have a Texas Sales Tax ID. (NET Health requires this or proof of Nonprofit status for as a prerequisite to obtaining a food permit)
  - b. have verification of having filed with the Smith County Clerk to conduct business in Smith County (proof of ownership in form of Smith County DBA for sole proprietors and partnerships or Certificate of Formation for corporations).
  - c. Certified Food Manager Certification. At least one certified food manager must be present during all hours of operation at each permitted food establishment. (Reference NET Health District Order 2016-2)
  - d. Food Handler Certification. All food employees shall successfully complete an accredited food handler training course, within 60 days of employment. (Reference TFER 228.33 (d))
- L. The operation of any Mobile Food Unit located in the City of Whitehouse city limits shall be subject to inspections by city officials at any time.
- M. Any individual(s) and/or entity(ies) obtaining a permit to operate a Mobile Food Unit within the city limits of Whitehouse is prohibited from transferring any such permit received.
- N. One advertising sign shall be allowed for each Mobile Food Unit.
- O. Any individual(s) and/or entity(ies) operating a Mobile Food Unit must have passed all NET Health Inspections prior to the issuance of any city permit. Evidence of up-to-date and valid inspections must be maintained and produced should the renewal of a Mobile Food Unit city permit be requested and/or desired.
- P. A Certificate of Occupancy issued by the City of Whitehouse must be obtained prior to operating any Mobile Food Unit Park.
- Q. Any Mobile Food Park operating inside the city limits shall, at all times, have a manager and/or an individual with authority to speak and make decisions on behalf of the Mobile Food Park and any and all vendors operating within said park.
- R. A Mobile Food Park shall be allowed one advertising sign for the Mobile Food Park.
- S. A Mobile Food Park shall provide a shaded eating area for patrons.

### **SECTION III ZONING AND LOCTION**

- A. Any and all Mobile Food Units and/or Mobile Food Parks shall operate within the following zoning districts for the City of Whitehouse:
- (i) Retail/Office High Intensity (C-H);
  - (ii) Retail/Office Medium Intensity (C-M);
  - (iii) Retail/Office Low Intensity (C-L);

(iv). Light Industrial – Business Park (LI-BP).

B. The operation of a Mobile Food Park shall require a specific use permit issued by the City of Whitehouse.

C. A pre-approved site plan shall be required for any Mobile Food Park operating within the city limits.

**SECTION IV WAIVERS**

Fees and application process may be waived by the City Manager and his/her designee when finding that the waivers shall serve an economic development or municipal purpose that promotes the best interest of the citizens of Whitehouse. Vendors that qualify for waiver must provide NET Health permits and certifications to the City of Whitehouse prior to the event.

**SECTION V PENALTY**

Any individual(s) and/or entity(ies) that violates any regulation, term or condition of this Ordinance may receive a citation, which shall be a Class C Misdemeanor. Should the individual(s) and/or entity(ies) receiving such citation be found guilty of said violation, a fine not to exceed \$2,000 may be imposed.

**SECTION VI SEVERABILITY**

Should any sentence, clause, section or regulation of this Ordinance be found invalid and/or unenforceable by a court of competent jurisdiction, said findings shall not affect the remaining sentences, clauses, sections or regulations of this Ordinance.

**SECTION VII EFFECTIVE DATE**

This Ordinance shall become effective upon its passage and approval by the City of Whitehouse City Council, and its publication as required by law.

**Passed and Approved by Whitehouse City Council this 22<sup>nd</sup> day of October 2019.**



Charles Parker - Mayor

**Attested by:**



Susan Hargis - City Secretary

# **MOBILE FOOD VENDOR FIRE REQUIREMENTS**

## **PURPOSE**

This inspection is a general Fire/Life Safety inspection of the MFV Unit on the date shown on the inspection form. It is not an approval of the MFV Unit's structural design, or road-worthiness. The City of Whitehouse Fire Department reserves the rights to modify the requirements for the MFV Units operating within the incorporated city limits of Whitehouse, TX, based upon future code adoptions or on future identified risks to the operators and/or public.

While this list cannot possibly cover every scenario or type of mobile vending unit, The City of Whitehouse Fire Department has provided the following guidelines as a tool to ensure that all mobile vending units meet the same minimum requirements. While this list may not be all inclusive of every fire safety requirement, it should be used to ensure that any mobile vending unit meets the minimum requirements.

## **Location of Mobile Units:**

- All Mobile Food Vendors must remain more than 15 Ft away from any fire hydrant.
- All Mobile Food Vendors must remain at least 15 ft away from any existing structure.
- All Mobile Food Vendors must remain at least 15 ft away from any other type of mobile vendor.
- Mobile Food Vendors shall not block access and remain at least 15 ft away from a Fire Department Connection (FDC).
- Mobile Food Vendors shall not obstruct any entrances or exits from any structure.
- Exits of Mobile Food Vendors shall never be obstructed.



# MOBILE FOOD VENDOR FIRE REQUIREMENTS

## Electrical:

The scope of the inspection related to the electrical system, within the Mobile Food Vending Unit, covers only the basic life-safety hazards. All installations, repairs and/or modifications performed on the electrical system shall be conducted according to the standards of the applicable codes and performed by a licensed electrician.

- Any electrical outlet within 6 feet of any water source will need to be an approved GFCI outlet.
- NO excessive use of extension cords.
- All wiring will be safely secured and protected by an approved electrical sheathing.
- Improper use of electrical accessories and overloading of circuits is prohibited.
- Extensions cords plugged into a power strip or multi outlet strip is prohibited.

## Fire Extinguishers:

- Each Mobile Unit will be required to have a proper fire extinguisher inside their MFV. (2A10BC Fire Extinguisher)
- Cooking equipment involving solid fuels or vegetable or animal oils and fats shall be protected by a 2.5 gallon Class K rated portable fire extinguisher.
- Each Fire extinguisher will need to be mounted in a conspicuous location where it can be located and accessed quickly.
- Each fire extinguisher will need to be serviced annually and maintain a current tag, confirming its status.
- Solid fuel appliances with a fire box are required to have a 2.5 gallon Class K rated fire extinguisher.

# MOBILE FOOD VENDOR FIRE REQUIREMENTS

## Propane Cylinders:

- Propane Cylinders cannot be tethered via a manifold or hose.
- Cylinders must be in the upright position.
- Cylinders must have an approved shutoff valve installed on the cylinder.
- Cylinders must be equipped with an approved regulator.
- Cylinders should be in good condition, without dents, scrapes, gouges or defects.

## Propane Cylinder Equipment:

- All cooking appliances shall be UL listed for use with propane.
- All appliances must be properly modified for use with propane.
- Manual shut off valves on gas lines at the point of use and at the supply.
- On MFV's using gas, a Carbon Monoxide detector must be provided inside the MFV

## Generators:

- Generators must be in safe working condition and properly grounded.
- Generator should not be refueled when generator is in operation.
- Generator may not be within 15 feet of doors/windows of MFV.
- Generator may not be within 15 feet of doors/windows of any existing structure.
- Generator must be on the exterior of the Mobile Food Vendor.

## Ventilation:

- Any MFV using any cooking equipment that produces a grease-laden vapor or fire box inside of a MFV, is required to have a Type 1 vent hood and vented properly.
- Hood needs to be cleaned regularly as to not allow grease build up in order to prevent fire.

# MOBILE FOOD VENDOR FIRE REQUIREMENTS

## General Housekeeping:

- Housekeeping and maintenance procedures shall be performed by the operator of the MVF Unit or his/her designee to prevent the accumulation of grease on walls and other surfaces.
- Combustible materials must not be stored within 36 inches of any cooking surface or device. (Cups, napkins, paper plates etc.)

Mobile Food Vendors shall schedule an initial fire inspection prior to receiving a permit of operation. All MFV's are subject to fire inspection at any unspecified time of operation.

A handwritten signature in black ink, appearing to read "Madison Johnson". The signature is written in a cursive style with a large, prominent initial "M".

Madison Johnson

Fire Chief