

**Chapter 46**  
**Food and Food Establishments**

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## In General

### Sec. 46-1. Adoption of Texas Food Establishment Rules; exemptions.

- (a) *Texas Food Establishment Rules adopted.* The city adopts by reference the provisions of the rules found in 25 Texas Administrative Code, Chapter 229, Sections 161 through 171 and 173 through 175 regarding the regulation of food establishments in this jurisdiction, as said rules currently exist and as they may hereafter be amended by the Texas Board of Health. Said rules are incorporated into this article and for all purposes made a part hereof.
- (b) *Conflicts.* In the event of any conflict between the provisions adopted in subsection (a) of this section and the other provisions of this article, the other provisions of this article shall prevail.
- (c) *Exemptions.* Food establishments owned by a county of the state or located in a facility owned by a county in the state shall be exempt from the provisions of this article.

(Ord. No. 3051, § 3, 8-9-01; Ord. No. 3093, § 2, 1-10-02)

### Sec. 46-2. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Authorized agent or employee.* The employees of the regulatory authority.

*Food establishment.* A food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor as defined in Texas Food Establishment Rules Section 229.162(33) and, in addition, shall include produce vendors and produce markets that sell only fresh, whole, intact fruits or vegetables other than farmers that sell fresh, whole, intact fruits or vegetables from the farm where the produce is grown. The term "food establishment" shall not include a nursing facility/home.

*Municipality of \_\_\_\_\_.* Shall be understood to refer to the city.

*Nursing facility/home.* An institution that provides organized and structured nursing care and service and is subject to licensure under Texas Health and Safety Code Chapter 242.

*Regulatory authority.* The Division of Environmental Health of the city or the entity that succeeds to the duties of that division.

*State rules.* The state rules found at 25 Texas Administrative Code, Chapter 229, Sections 161 through 171 and Sections 173 through 175, as amended. These rules are also known as the Texas Food Establishment Rules.

(Ord. No. 3051, § 3, 8-9-01; Ord. No. 3183, § 2, 2-13-03)

### Sec. 46-3. Permits.

(a) *Permit authorized and required.* The regulatory authority is hereby authorized to issue permits for the operation of food establishments; provided that only a person or firm that complies with the requirements of this article shall be entitled to receive and retain such a permit. A person may not operate a food establishment in the city without a valid permit issued by the regulatory authority. A valid permit must be posted in public view on or in every food establishment. A permit that has been revoked, that has expired, or that has lapsed for any reason is not valid. A suspended permit is not valid during the period of suspension.

(b) *Catering permit.* Any person desiring to cater food prepared at a permitted food establishment and served from an off-site location, or at a public or private event within the city must possess a city catering permit. Applicant must make written application on a form provided by the regulatory authority. The application must contain the name and address of each applicant, the location where food is prepared, types of food served, and methods of transporting and serving of foods. Food establishments that possess both a city food establishment permit and catering permit are exempt from the temporary food service permit fee and need only complete a temporary food service application prior to any special event in order to obtain a permit. Food establishments located outside the city must also submit a copy of a valid food service permit from the regulatory authority with jurisdiction over this

location and a copy of the most recent food service inspection report. A city catering permit may be denied, revoked, or suspended if the establishment is not in compliance with all applicable food service requirements.

- (c) *Permits not transferrable.* Permits are not transferrable from one person to another or from one location to another location, except as otherwise permitted by this article.
- (d) *Multiple operations in single location.* If more than one food establishment is conducted in a single building or at the same address, then a separate permit shall be required for each such food establishment, regardless of whether each such food establishment is owned by the same person or by different persons.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-4. Application for permit.

Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-5. Review of plans.

- (a) *Review of plans.* Whenever a food establishment is established, constructed or extensively remodeled, and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such establishment, construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun. A food establishment is "extensively remodeled" when (1) 50% or greater of the square footage within the food preparation area is to be remodeled or (2) a building permit is required for work done within the food preparation area. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of this article. The establishment, construction, remodeling or conversion must be according to the approved plans and specifications.
- (b) *Inspection.* Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the food establishment to determine compliance with the approved plans and specifications and with the requirements of this article.
- (c) *Effect of noncompliance.* Failure to follow the approved plans and specifications or to obtain the necessary approval will result in a permit denial, suspension, or revocation in accordance with the provisions of this article. The regulatory authority may also suspend or revoke a permit in accordance with this article if a food establishment that is required to be inspected under this section begins operations before passing said inspection. Suspension, revocation, or denial of a permit or of permit renewal shall not preclude the regulatory authority from taking any other enforcement action authorized by this article or by other law.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-6. Inspections.

- (a) *Permit inspections.* Prior to the issuance of a permit, the regulatory authority shall inspect the food establishment or proposed food establishment to determine compliance with this article.
- (b) *Additional inspections.* Additional inspections shall be performed as often as necessary for the enforcement of this article. The regulatory authority shall determine the frequency of inspections to be made under this article in accordance with the criteria set forth in the Texas Food Establishment Rules.
- (c) *Inspection based on complaint.* In addition to any other authority granted by this article, the regulatory authority shall have the authority to inspect a food establishment based on complaints or other credible information indicating the possibility of a violation of this article.

- (d) *Access.* The authority of the regulatory authority to inspect a food establishment includes, without limitation, the right to access to any and all parts of the food establishment and the right to view and copy any or all of the records relating to the purchase, sale, or handling of food.
- (e) *Posting.* The results of the most recent inspection by the regulatory authority (including without limitation the letter grade, score, or ranking assigned to the food establishment by the regulatory authority) must be posted in public view on or in every food establishment.
- (f) *Maintaining inspection reports.* Copies of all food service inspection reports including any and all notices of violations issued within the previous 12 months must be maintained on premises and be made available for review by the regulatory authority upon request.
- (g) *Effect of noncompliance.* A food establishment that does not comply with this article will be denied a permit or the renewal of a permit or may have its permit revoked or suspended in accordance with the provisions of this article. Suspension, revocation, or denial of a permit or of permit renewal shall not preclude the regulatory authority from taking any other enforcement action authorized by this article or by other law.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-7. Examination, detention, and condemnation of food.

- (a) *Examination of food.* Food may be examined or sampled by the regulatory authority as often as necessary for the enforcement of this article, including without limitation, in conjunction with an inspection conducted under the authority of this article.
- (b) *Issuance of detention order.* The regulatory authority may place a detention order on any food which the regulatory authority believes is in violation of any provision of this article. The detention order is effective upon the service of written notice to the permit holder for the food establishment at which the food is located or to the person in charge of the food.
- (c) *Notice.* The written notice of a detention order must specify the reasons for the detention order. The notice must also state that a request for hearing may be filed within ten days and that if no hearing is requested, the food shall be destroyed. The regulatory authority shall tag, label or otherwise identify any food subject to the detention order. The tag, label, or other identification placed on the food by the regulatory authority must not be removed until and unless the detention order is lifted or vacated or the food is destroyed as directed by the regulatory authority.
- (d) *Effect of detention order.* No food subject to a detention order shall be used, served or removed from the food establishment unless the regulatory authority gives permission to destroy the food and the food is destroyed as directed by the regulatory authority. The regulatory authority shall permit storage of the food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.
- (e) *Hearing.* A hearing shall be held if the hearing is requested within ten days from the date on which the required notice of the detention order is served. On the basis of evidence produced at the hearing, the detention order may be vacated or the permit holder 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 chapter.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-8. Voluntary closure.

If a food establishment closes due to potential health risk and the closure was not ordered by the regulatory authority, the manager of or permit holder for the food establishment shall immediately notify the regulatory authority of the closure and of the reasons for the closure. Any food establishment closed due to potential health risk shall not reopen until authorized to do so by the regulatory authority.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-9. Fees.

- (a) *Fee for review of plans.* Preceding the review of any plans under Section 46-5 of this Code, the person operating (or who will be operating) a food establishment shall pay to the city a fee for said review in the amount set by resolution of the City Council.
- (b) *Annual permit fee.* In addition to any fee due under subsection (a) of this section, any person operating a food service establishment shall pay a permit fee which shall extend to December 31 of the year issued. Said permit fee may be prorated. If a permit for a permanent food service establishment is not renewed prior to December 31 each year, a late penalty shall be added to the annual permit fee and said late fee must be paid before the permit is reinstated. The annual permit fees and any exemptions thereto shall be as set by resolution of the City Council.

(Ord. No. 3051, § 3, 8-9-01; Ord No. 3600, §2, 9-11-08)

#### Sec. 46-10. Suspension of permit.

- (a) *Suspension of permit.* The regulatory authority may, without warning, advance notice, or hearing, suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health or if any required fee has not been paid by the appropriate deadline. Suspension is effective immediately upon service of the notice required by this section. When a permit is suspended, food operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within 20 days of receipt of a request for a hearing.
- (b) *Notice.* Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained.
- (c) *Duration.* Suspension of a food permit shall continue until the regulatory authority determines, after an inspection, that the reasons for suspension no longer exist or until all required permit fees have been paid, as applicable.
- (d) *Other remedies reserved.* Suspension of a food permit shall not preclude the regulatory authority from taking any other enforcement action authorized by law, including without limitation the revocation of the suspended food permit in accordance with the requirements of Section 46-11 of this Code.
- (e) *Posting.* During the period of any permit suspension under this section, the food service establishment subject to the suspension shall post a sign clearly visible to the public outside of the establishment, which sign shall state, "Closed by the Environmental Health Division of the City of Longview." The regulatory authority shall have the authority to promulgate reasonable regulations as to the size and location of the sign and the size of the lettering thereon.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-11. Revocation of permit.

- (a) *Revocation of permit.* The regulatory authority may, after providing opportunity for a hearing, revoke a permit for repeated or serious violations of any of the requirements of this article (including, without limitation, the failure to pay any required fees) or for interference with the regulatory authority in the performance of its duties.
- (b) *Notice and hearing.* Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.
- (c) *Other remedies reserved.* Revocation of a food permit shall not preclude the regulatory authority from taking any other enforcement action authorized by law, including without limitation the enforcement of any criminal penalty authorized by this Code.

(Ord. No. 3051, § 3, 8-9-01)

#### Sec. 46-12. Administrative process.

- (a) *Service of notice.* A notice as required in this article is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.
- (b) *Conduct of hearings.* The hearings provided for in this article shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

(Ord. No. 3051, § 3, 8-9-01)

### Sec. 46-13. Enforcement.

- (a) *Criminal penalty.* Any person who violates a provision of this article and any person who is the permit holder of or otherwise operates a food service establishment that does not comply with the requirements of this article and any responsible officer of that permit holder or those persons shall be deemed guilty of a misdemeanor and shall be subject to a fine as provided in Section 1-4 of this Code.
- (b) *Interference with posting.* A person commits an offense if the person removes, defaces, or makes illegible a posting or any part of a posting required by the regulatory authority under the authority of Section 46-10 and shall be deemed guilty of a misdemeanor and shall be subject to a fine as provided in Section 1-4 of this Code.
- (c) *Injunction authorized.* The regulatory authority may seek to enjoin violations of this article.
- (d) *Other remedies reserved.* The imposition of a criminal penalty or injunction in accordance with this section shall not preclude the regulatory authority from taking any other enforcement action authorized by law, including without limitation the revocation or suspension of a food permit in accordance with the requirements of this article.

(Ord. No. 3051, § 3, 8-9-01)

## "ARTICLE II: MOBILE FOOD UNITS"

### Sec. 46-30. Title and Purpose.

- (a) The article may be known and cited as "Mobile Food Units."
- (b) The purpose of this article is to protect the welfare of the citizens of the City of Longview by registering, regulating, establishing rules for mobile food units, and monitoring mobile food units in an effort to maintain a safe and wholesome food supply for the citizens of Longview. To this end, this article establishes a registration program for mobile food units, imposes rules regulating mobile food unit businesses, and imposes a means to monitor mobile food units to insure compliance with this Chapter.

(Ord. No. 4036 § 2, 2-11-16)

### Sec. 46-31. Mobile Food Unit Types.

- (a) *Mobile Food Unit defined:* A Mobile Food Unit shall be defined herein as a unit designed to be readily movable and from which food or beverage are prepared and offered for sale.
- (b) In addition to the requirements adopted in Article I of this chapter, requirements contained in this section govern mobile food units.
- (c) *Categories of mobile food units.* Mobile food units in the city are divided into one of the following categories:
  - (1) *Unrestricted Mobile Food Unit.* An unrestricted mobile food unit is defined as a commercially-manufactured towed trailer or motorized self-contained food service operation or establishment designed to be readily movable in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.
  - (2) *Restricted Mobile Food Unit.* A restricted mobile food unit is defined as a commercially-manufactured towed trailer, or motorized self-contained food service operation or establishment designed to be readily movable in which only food that is prewrapped, bottled, or otherwise packaged in individual servings as sold. Under this type of permit, no open food preparation or handling may occur. All food items including beverages and condiments must be prepackaged at an approved food establishment or come prepackaged from an approved source. This type of unit is not required to have sinks.

(3) *Limited Service Mobile Food Unit.* Any mobile food unit that is not a Restricted or Unrestricted Mobile Food Unit is classified as a limited service mobile food unit. This type of mobile unit, with limited food handling, sells only packaged food from ingredients with a low potential for creating a food-borne hazard. The term includes the following types of mobile food vending operations:

- (i) Ice Cream Trucks or Push Carts serving packaged, frozen treats. These units are only allowed to drive through neighborhoods and stop for only a brief period of time to serve their product.
- (ii) Mobile Vending Food Units selling whole fruits and raw vegetables. These units are only allowed to drive through neighborhoods and stop for only a brief period of time to serve their product.
- (iii) Trucks selling packed frozen steaks, chicken, seafood and frozen foods. These units can only sell their products door-to-door, and are limited to neighborhoods and local businesses.
- (iv) Mobile Food Units that set up at monthly permitted events such as at Longview Trade Days.

(Ord. No. 4036 § 2, 2-11-16)

Sec. 46-32. Vehicle Requirements.

(a) A mobile food unit shall:

- (1) Maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order.
- (2) Keep all required permits or copies of permits on the vehicle or Mobile Food Unit at all times.
- (3) Display on the vehicle current license plates and current vehicle safety inspection information in accordance with the current State Law.
- (4) Display on the vehicle's right front windshield, the appropriate decal issued by the City of Longview showing that the Mobile Food Unit is permitted to operate within city limits.
- (5) Keep a copy of the Texas Sales and Use Tax Permit on the vehicle at all times.
- (6) Only serve or distribute food as specified on the permit issued by the City of Longview Environmental Health Division.

(b) Ice used in a beverage served by an unrestricted mobile food unit must be:

- (1) From an approved source.
- (2) Stored in a stainless steel container that:
  - (i) Is covered
  - (ii) Is not installed above food equipment or food contact surfaces; and
  - (iii) Drains into the mobile food unit's liquid waste retention tank; and
  - (iv) Is dispensed with an approved scoop by an employee of the mobile food unit or from automatic self-serve ice dispensing equipment.

(c) Ice used to keep food cold must be drained into the mobile food unit's liquid waste retention tank and properly disposed of at the designated Central Preparation Facility or Commissary.

(d) CENTRAL PREPARATION FACILITY/COMMISSARY:

Permitted Limited Service Mobile Food Units with commissaries outside the City Limits of Longview and under the jurisdiction of another health authority may operate within Longview.

Permitted Restricted Mobile Food Units with commissaries outside the City Limits of Longview and under the jurisdiction of another health authority may operate within industrially zoned areas of the City of Longview.

Permitted Unrestricted Mobile Food Units must work with a Central Preparation Facility or Commissary within the City Limits of Longview and under the jurisdiction of the City of Longview Environmental Health Department.

- (1) Supplies, cleaning and servicing operations. A mobile food unit must operate from a central preparation facility, commissary, or other fixed food establishment and must report to that location for supplies, cleaning and servicing once daily.

- (2) The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food unit, must be constructed and operated in compliance with this Chapter.
- (3) The servicing area must include overhead protection for any supplying, cleaning, or servicing operation; a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and a surface constructed of a smooth nonabsorbent material, including but not limited to concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.
- (4) Servicing Methods and Equipment: Potable water servicing equipment must be installed according to all applicable city ordinance and state and federal law, and stored and handled in a way that protects the water and equipment from contamination.
  - (i) The liquid waste retention tank for a mobile food unit must be thoroughly flushed and drained during the servicing operation.
  - (ii) All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances and state and federal law.
  - (iii) Liquid waste may not be discharged from a Mobile Food Unit while the Mobile Food Unit is motion.
- (5) Site Cleanup: A service site must be left in a clean, waste-free condition.
- (6) Food Preparation and Services: Food may not be prepared or served while the mobile food unit is in motion or in an area that exposes any person present to a health or safety hazard.
- (7) A Mobile Food Unit may not serve, sell, or distribute any food or beverage if the food central preparation facility or commissary does not supply, clean, or service the mobile food unit in accordance with this section.

(Ord. No. 4036 § 2, 2-11-16; Ord No. 4084 § 2, 12-8-16)

#### Sec. 46-33. Mobile Food Unit Operating Requirements.

- (a) Any person operating a motor vehicle as a mobile food unit must have at least one person who is a currently licensed driver with a valid Texas driver's license with the vehicle at all times.
- (b) Garbage storage containers must be maintained on each mobile food unit in a number sufficient to contain all trash and garbage generated by the unit. Every container must have a tight-fitting lid. Before the mobile food unit leaves a vending site, all trash and garbage must be removed from the site. Excessive trash and garbage may not be allowed to accumulate inside or around the mobile food unit. All trash and garbage must be disposed of in an approved garbage receptacle.
- (c) A mobile food unit must comply with the City of Longview Zoning Requirements governing mobile food units. Each mobile food unit shall:
  - (1) operate in approved areas with appropriate zoning designation;
  - (2) operate with approved permits;
  - (3) may not sell or serve food on any public street, sidewalk, or other public right-of-way without appropriate permits from the City of Longview;
  - (4) park only on improved surfaces to sell or serve food;
  - (5) operate according to approved itinerary;
  - (6) when out of service be parked at the approved central preparation facility; commissary or other location in compliance with city ordinance and/or state and federal law.
- (d) A mobile food unit must have written authorization from the owner or person in control of each premise from which the mobile food unit will sell or serve food. The authorization must include the specific dates and times during which the unit is authorized to be present on the premise. A current copy of each authorization must be maintained on file with the City of Longview Environmental Health Division as well as in the mobile food unit files for review by inspectors.
- (e) A separate written agreement granting permission for the mobile food unit employees to access the toilet facilities must be obtained from the owner or person in control of the facilities. Toilet Facility Agreements are required if the



mobile food unit will be at the same location for more than two (2) hours. A current copy of each authorization must be maintained on file with the City of Longview Environmental Health Division as well as in the mobile food unit files for review by inspectors.

- (f) A mobile food unit must have a copy of the approved daily vending itinerary on the unit. The Environmental Health Division must be advised of any itinerary changes 48 hours prior to any planned changes and in emergency situation, the mobile food unit operator must communicate with the Environmental Health Division as soon as practicably possible (inclement weather, mechanical problems, etc.). Schedules/stops must be accurate to within 30 minutes. The name, address and telephone number of the owner or person in control of the premise must be noted on the itinerary. The itinerary should also include a description of the food to be sold or served at each premise.
- (g) Only fast-cooked food items may be prepared on a mobile food unit. No raw poultry or seafood may be prepared on the unit, except for frozen, breaded poultry or seafood products that are directly placed from the freezer into a fryer. Variances to this requirement may be sought from the City of Longview Environmental Health Division.
- (h) No cooking may be conducted while the vehicle is in motion.
- (i) Covers with secure latches for deep fryers, steam tables and similar equipment must be provided and installed while the vehicle is in motion.

(Ord. No. 4036 § 2, 2-11-16)

#### Sec. 46-34. Structural Requirements for Unrestricted Mobile Food Units.

- (a) Unrestricted mobile food units must have a potable water system under pressure that is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing.
- (b) The water supply tank must have a minimum capacity of 30 gallons and be equipped with a water inlet that is located where it will not be contaminated by waste discharge, road dust, oil or grease.
- (c) The connection size/type must prevent its use for any other service.
- (d) The system must be constructed and installed in accordance with the Rules on Food Service Sanitation, as adopted and amended by the Texas Department of State Health Service, which include the National Sanitation Foundation standards, Underwriter Laboratory standards, and equivalent standards.
- (e) In lieu of the potable water system under pressure, a mobile food unit may have a gravity fed system with a mixing faucet if the water tanks are vented for escape or intake of air of sufficient volume to allow for water flow and the vent openings are protected; if they have a smooth interior with no recesses and crevices and if they have a combined water capacity of not less than five gallons.
- (f) For a MFU is equipped with a propane tank, it shall be installed in accordance with applicable Longview Fire Department regulations and permits.
- (g) For a MFU is equipped with a water heater, the water heater must be capable of heating water to at least 110 degrees Fahrenheit, and any tank of the water heater must have a minimum capacity of three gallons and provide a minimum water pressure of one gallon per minute.
- (h) If liquid waste results from the operation of a mobile food unit, it must have a liquid waste retention system that is equipped with a permanently installed retention tank of at least 15 percent larger capacity than the potable water supply tank, is equipped with servicing connections that are located lower than the water inlet to prevent contamination of the potable water system and are of a different size or type than the connection used for supplying potable water to the unit and is properly sloped to drain and collect all potential liquid waste.
- (i) Floors must be constructed of durable, easily cleanable material, including, but not limited to anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.
- (j) Walls must be durable, easily cleanable, non-absorbent, and light in color. Minimum wall covering materials include, but are not limited to aluminum or fiberglass-reinforced paneling. Walls at vent hood and grill areas must be covered with stainless steel panels. Wall covering must be installed to cover the entire height of each wall. Studs and utility lines may not be unnecessarily exposed on the wall or prevent cleaning.
- (k) Ceiling must be light in color, non-absorbent, and easily cleanable. The height over the aisle-way portion of the

vehicle must be at least 74 inches and unobstructed. Joists and rafters may not be exposed.

- (l) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside of the food preparation area. Aisle space must be unobstructed and at least 30 inches wide.
- (m) Construction joints must be tightly fitted and sealed with no gaps or voids, and all sealant, solder, and weld joints located in the food contact areas must be smooth and approved for food contact surfaces.
- (n) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation (NSF).
- (o) All equipment must be placed, installed, stored, and secured on the unit in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the unit is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.
- (p) The unit must be equipped with a stainless steel, three-compartment sink. Compartments shall be large enough to accommodate immersion of the largest piece of equipment or utensil. The sink must be equipped with a mixing faucet with a swivel spigot capable of servicing all sink compartments; and have an integral stainless steel drain-board at least 12 inches long, which must be installed with a minimum one-half inch top or rim to prevent the draining liquid from spilling onto the floor.
- (q) The unit must be equipped with a hand-sink that must be fully accessible and separated from the ware-washing by a splashguard. Handwashing sinks are required to have a soap and paper towel dispenser in close proximity. The sink must be located in an area that is fully accessible and at counter level, is separated from the ware-washing sink by a metal splashguard at least six inches high.
- (r) Outer openings of the unit, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof. Screens must be tightly fitted and in good repair, with a maximum of 16 mesh per square inch. Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.
- (s) The unit must be equipped with a power source, approved by the City of Longview that is capable of handling the power demands of the unit and equipment when the unit is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.
- (t) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.

(Ord. No. 4036 § 2, 2-11-16)

#### Sec. 46-35. Longview Fire Department Requirements.

- (a) A valid invoice from a Certified Master Plumber indicating an annual pressure/gas test has been successfully completed. This will be required for initial permitting in addition to ongoing permit renewal.
- (b) Liquefied Petroleum Gas (hereinafter LPG) piping shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with the most recently published National Fire Protection Association 58 and shall be protected against physical damage.
- (c) Food Truck-Maximum of 200 gallons LPG located within a vented compartment: containers shall not be ahead of the front axle or beyond the rear bumper of the vehicle. An ASME tank is required for permanently installed tanks.
- (d) Food Trailer-Maximum of 200 gallons LPG located outside, but mounted upon the trailer in a protected location; containers shall not extend beyond the rear bumper.
- (e) LPG cylinders shall not exceed 100 pounds.
- (f) LPG cylinders shall have an approved label and listed shut-off valve.
- (g) All LPG cylinders shall be protected from damage and secured with a solid bracket.
- (h) The storage of LPG cylinders inside trucks and/or trailers is prohibited.
- (i) All valves must be turned off when appliances/cylinders are not in use.

(j) "No Smoking" signs shall be posted. Additionally, the signage should be visible near any propane containers.

(k) Electrical:

- (1) Extension cords shall not be utilized, nor are they a substitute for permanent wiring.
- (2) An appropriate sized power supply cord with corresponding connections will be allowed. The cord will be sized according to the vehicles electrical demands.
- (3) Appliances shall be plugged directly into electrical outlets.
- (4) All electrical outlets within six feet of a wet location shall be Ground Fault Circuit Interrupter (hereinafter GFCI) protected. All exterior outlets shall be GFCI protected.

(l) Fire Extinguishers:

- (1) All fire extinguishers require an annual inspection by a Texas licensed fire extinguisher company. Required extinguishers must be properly mounted and readily accessible.
- (2) At least one portable extinguisher of the 2A10BC rating shall be accessible to the interior of the food truck/trailer.
- (3) Units utilizing oil/grease fryers are required to have a Class K fire extinguisher on the unit.

(m) Fire Suppression System:

- (1) Mobile Food Units which perform cooking operations that produce grease laden vapors shall be provided with a Type 1 hood with ventilation.
- (2) Type 1 hoods shall be protected by a UL 3200 or UL 300A fixed fire extinguishing system.
- (3) A biannual system inspection is required for all fire suppression systems by a Texas licensed fire suppression company.
- (4) All cooking surfaces and hoods are to be kept clean to prevent grease build-up.

(n) Cooking Equipment and Appliances:

- (1) All cooking appliances shall be of an approved type, listed and labeled for the intended use. Propane appliance can be approved by the following testing labs: UL, CSA, CGA, AGA and/or ETL.
- (2) Cooking appliances shall have an approved, labeled and listed on-off valve.
- (3) All appliances shall be installed according to the manufacturers instructions.
- (4) Water heaters or hot water tanks shall be installed in accordance with the International Plumbing Code and manufacturer's installing instructions and shall include venting of the tank.

(o) Fire Lanes and Fire Access and Drive Ways:

Mobile Food Units shall not park in marked fire lanes. They shall not block fire department access or drive ways that serve as access.

(p) Prohibited Cooking:

- (1) Solid fuel cooking is prohibited with the exception: The cooking device is listed and approved for mobile food cooking applications.
- (2) Coleman Stove or equivalent are prohibited.

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