



**CITY OF KERRVILLE**  
**Texas Food Establishment Rules**  
**Chapter 229 Subchapter K**  
**229.170 Temporary Food Establishment Rules**

**Temporary Food Establishments / Events**

**Please read this handout completely and implement these guidelines with your temporary food establishment. The City of Kerrville Environmental Health Division must approve ALL menu items prior to operation and must approve the set up of the temporary food establishment in its state of operation. Please contact the City of Kerrville Environmental Health Division at (830) 258-1173 or via e-mail to [daryle.poe@kerrvilletx.gov](mailto:daryle.poe@kerrvilletx.gov) for details. Appointment(s) may be required.**

**Failure to implement these guidelines may result in denial of your application or closure of your temporary food establishment.**

**Definitions:**

1. The term “Temporary food service establishment” applies to an establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a special event or celebration.
2. The term “Booth”, as used in this document, shall include but is not limited to buildings, structures, tents, canopies and membrane structures.

Any person or organization desiring to operate a temporary food service establishment shall make application for a permit up to two (2) months in advance, but not less than seven (7) business days prior to the event from the City of Kerrville’s Environmental Health Department at 200 Sidney Baker St. North. Each operator must apply. If the operator has more than one booth, an application must be completed for each booth with a fee paid for each.

All temporary food service operations shall meet the requirements of the Texas Food Establishment Rules, be inspected, approved and licensed before the actual operation begins.

**OPERATIONAL REQUIREMENTS:**

Each Temporary Food Establishment preparing or serving food and/or drinks, shall meet the following requirements before being approved for operation and during operating hours.

- A hand washing station with running water is required. This shall consist of a clean water container with a spigot, filled with potable water, and catch basin to hold wastewater until properly disposed.  
**Note: A push button spigot is not approved.**
- Soap and paper towels for hand washing.
- Two (2) plastic or metal containers (5 gallon minimum capacity) to wash and sanitize utensils used in the booth.
- A small bottle of liquid detergent for utensil washing.
- A small bottle of bleach for sanitizing. (1 teaspoons/gallon of water)
- Facilities for trash: Plastic bags or metal or plastic waste receptacles with lids.

- Facilities to maintain perishable foods at temperatures of 41degrees F or lower or 135 degrees F or greater.

## **REQUIREMENTS:**

All temporary food establishments shall comply with the following:

### 1. FOOD SOURCE.

- a. All food must be from an approved source and/or licensed facility. Absolutely **NO HOMEMADE** cakes, cookies, beans, tacos, or other preparations are permitted to be sold. We **cannot** approve or license a private home.
- b. All WATER AND ICE shall be obtained **ONLY** from sources approved by the health authority. Potable water shall be stored and transported in clean, sanitized, covered containers that are clearly labeled “potable water.”

### 2. FOOD PREPARATION/SERVICE.

- a. The City of Kerrville Health Department has adopted the USDA Food Code 2009 recommendation that meat and poultry products be cooked to the following minimum internal temperatures: poultry – 165 °F, ground meats - 155°F, pork - 155°F, and other meats - 145°F. Potentially hazardous foods (i.e., foods which consist in whole or in part of milk or milk products, eggs, meat, seafood) shall be held at 41°F or lower, or at 135°F or above. Equipment adequate to cook and maintain foods at the required temperatures shall be provided. A properly scaled, metal stem-type thermometer shall be used to monitor the proper internal cooking and holding temperatures of potentially hazardous foods. All operators shall maintain enough equipment on hand to insure the core temperature requirements.
- b. Food may be thawed ONLY in one of the following ways:
  - (1) as part of the conventional cooking process
  - (2) under cold running water
  - (3) in a refrigerator at 41°F or less
  - (4) in a microwave oven, IF followed immediately by cooking.
- c. Only single service items, such as plastic ware or paper items are to be provided for customer use.
- d. All condiments available for customer self service use must be dispensed either:
  - (1) in single service packets, or
  - (2) from sanitary automatic dispensers.

### 3. FOOD EQUIPMENT

- a. Food, utensils, and single service articles shall be protected from contamination during storage, preparation, display, and service. Utensils, including ice scoops, shall be provided to minimize handling of foods. **Bare hand contact with Ready to Eat food is prohibited.**
- b. All food items must be covered with a lid or some other durable type material at all times. Sneeze guards or distance from food may be required.

- c. **ONLY ICE SCOOPS WHICH HAVE HANDLES SHALL** be used to dispense ice for customers, **DRINKING** cups or glasses shall not be used as ice or food scoops. Do not store ice scoop in ice.
- d. All Potentially Hazardous Food products shall be held in dry refrigeration that is maintained at 41° F or less. Food products may be stored in ice only with PRIOR approval from the Regulatory Authority. Ice shall not be used as a coolant for uncooked animal products.

4. FOOD/ICE STORAGE

- a. **ONLY FOOD GRADE containers** will be used for food storage. For example, food to be served to the consumer may not be stored in plastic **garbage** bags. Plastic white or clear - food **bags** are allowed. Cardboard boxes which are not the original packaging shall not be used for storage of other raw or cooked products.
- b. Food shall be stored at least six (6") inches off the ground (wooden pallets are approved for outdoor events). Food shall be covered with lids or approved grade wrap such as foil or plastic food film to protect it from dust, dirt, insects, etc.
- c. Potentially hazardous food storage shall be cold (41°F or below) or hot (135°F or above).
- d. Ice used to cool coils for soft drink syrup tanks may be used for cold drinks as long as the drain tubes do not pass through the ice.
- e. Foods and beverages chilled in ice must not be submerged in water. Wet storage of packaged food is prohibited.
- f. Ice shall be covered when not being dispensed, and ice storage units must have an open drain.

5. SANITIZATION OF FOOD PREPARATION EQUIPMENT

- a. One gallon of chlorine sanitizing solution made by adding one teaspoon of bleach to 1 gallon of water shall be available to sanitize utensils, equipment, and food prep surfaces. Equivalent approved sanitizer may be used.
- b. In use utensils, acrylic cutting boards, ice cream scoops, and food prep surfaces shall be sanitized every 1/2 to 1 hour or as often as necessary to prevent bacteria growth. When not in use, these items shall be covered to protect them from dust and insects.
- c. NEVER prepare raw foods and cooked foods on the same surfaces or use the same equipment/utensils to prepare raw and cooked foods.
- d. Wiping cloths shall be available, clean, and when not in use, shall be stored in a container of sanitizing solution. Disposable paper towels may be used as "wiping cloths" if spray bottles of sanitizer are used.
- e. A separate container of sanitizing solution shall be used for sanitizing utensils.
- f. Containers of sanitizing solutions when in use shall be changed at intervals to keep water from becoming murky.
- g. Food prep areas shall be maintained free of spilled food, grease, and trash.

6. EMPLOYEE HEALTH AND HYGIENE

- a. Employees shall wear hair covers and clean clothes when working inside food booths. **Acceptable hair covers include** hats, caps, visors, hairnets, bandanas, and cook's or chefs' hats.
- b. Employees shall not eat, drink, smoke, or use tobacco in any form while working inside food booths.
- c. No employee shall be allowed to handle both money and food simultaneously.
- d. No person, while infected with a disease capable of being transmitted by foods, or having an infected wound on exposed body parts, shall work in a food booth.
- e. Adequate toilet facilities must be accessible for vendors.
- d. HANDWASHING ---- A hand wash sink or container of water with a spigot, a catch basin, soap, and sanitary towels shall be provided for hand washing. Employees shall thoroughly wash their hands with soap and water:
  - (1) before starting work
  - (2) during work as often as is necessary to keep them clean
  - (3) after smoking, eating, or drinking, and
  - (4) after using the TOILET.

7. VECTOR/FLY CONTROL

- a. Food shall be covered when not being served or prepared.
- b. Garbage cans stored inside booths shall be covered when not in use and shall be emptied frequently.
- c. Animals and birds are prohibited inside food booths.

8. SUPPLIES

- a. Equipment shall be approved by the Regulatory Authority and be adequate in number and capacity to provide food temperatures as specified in this document. Equipment shall be installed and located in a way that prevents food contamination and that also facilitates cleaning.
- b. **The health department has the right to (1) impose additional requirements to protect against health hazards related to the operation of temporary food establishments, (2) may prohibit the sale of some or all potentially hazardous foods, and (3) may waive or modify requirements when it is reasonably determined that no health hazard will result.**
- c. The attached checklist is intended to assist vendors in assuring that **MINIMAL** health department requirements are satisfied. If you are unable to provide the supplies or equipment which is determined necessary to protect the health of the consumer, your operation will not be approved. If you are unsure about your needs, direct your questions to the Environmental Health Department at 830-258-1173.

9. **BOOTH CONSTRUCTION**

Booths shall be constructed with barriers to protect the food and control access. Subflooring shall be graded to drain, and dust shall be controlled. Floors shall be constructed of concrete, asphalt, tight wood or other cleanable material approved by the health authority. Ceilings over food preparation areas shall be constructed of wood, canvas, or other materials to protect against the weather. Pests (flies, roaches, or rodents) shall be controlled. Doors, walls, screening, and other measures will be required when necessary to restrict the entrance of flying insects.

**See attached Kerrville Fire Marshal's Office guidelines for Tent/Canopy Membrane Structure.**

A tent, canopy or membrane structure permit, separate from the health permit, is required to erect any tent exceeding 200 square feet in area; or a canopy exceeding 400 square feet in area or a membrane structure of any size. Where required, a permit must be approved and issued by the Kerrville Fire Marshal's Office prior to erecting any tent, canopy or membrane structure.

Contact the Kerrville Fire Marshal's Office at 830-257-8449 or 830-258-1205 for application and/ additional information.

10. **WASTEWATER DISPOSAL:**

Wastewater from hand washing and utensil washing will be collected, stored, and disposed of offsite. **Wastewater cannot be disposed of in the grass or on the ground.**

Grease and drippings from grills must be properly contained and disposed.

11. **FIRE SAFETY:**

**See attached Kerrville Fire Marshal's Office guidelines for Tent/Canopy Membrane Structure.**

A Multipurpose 2A:10 BC rated fire extinguisher must be provided in ALL food booths. All open flames must be pre-approved by the Fire Marshal's Office. Additional requirements regarding booth construction and layout may be imposed where cooking equipment is part of the operation.

Contact the Kerrville Fire Marshal's Office at 830-257-8449 or 830-258-1205 for application and/ additional information.

12. **ADVISORY**

**Section 229.170 of the Texas Food Establishment Rules, provides that "The regulatory authority may impose additional requirements to protect health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules."**

13. ENFORCEMENT

Failure to comply with these requirements may result in the immediate suspension of the permit and the assessment of penalties as provided by Texas Health and Safety Code, Chapter 437.

PREVENTING FOOD BORNE ILLNESS IS A RESPONSIBILITY SHARED BY ALL INDIVIDUALS INVOLVED IN FOOD PRODUCTION, DISTRIBUTION, AND PREPARATION. IF YOU HAVE ANY QUESTIONS OR NEED FURTHER ASSISTANCE, PLEASE CONTACT THE CITY OF KERRVILLE, ENVIRONMENTAL HEALTH DEPARTMENT, 200 SIDNEY BAKER ST. NORTH, KERRVILLE, TEXAS 78028 OR CALL 830.258.1173.

**HAND WASHING FACILITY  
FOR  
TEMPORARY FOOD ESTABLISHMENT**

