



CITY OF MIDLOTHIAN
TEMORARY FOOD ESTABLISHMENT PERMIT REQUEST - 2021

ALL FOODS MUST BE PREPARED ON SITE OR AT A PERMITTED FACILITY

FOOD PREPARATION: Food shall be obtained from approved sources and be in sound condition. Food shall be prepared only in permitted or licensed establishments, or on site.

All vendors offering food or drink are required to secure a temporary food permit by the City of Midlothian Community Services (Health Division) at least 7 calendar days prior to the event.

The event organizer must provide Community Services a list of the approved food/ drink vendors as soon as the vendors are approved by the organizer of the event. TFP may not be issued without written confirmation that the vendor is approved for the event.

All vendors must comply with all the Texas Food Establishment Regulations regarding temporary food regulations to protect the public health and safety. Due to Health Code non-compliance at previous events, all food vendors not in compliance with the Texas Food Establishment Regulations will not be allowed to operate until they come into compliance.

Cottage Food Production Operations may offer food/ drink as long as the vendor and product offered meets the requirements of State Law. Also, in accordance with state law, the producer may sell their Cottage Food products directly to the consumer but it has to be the producer and not a representative.

All food vendors are subject to inspection before or during operation. Scored inspections are subject to being posted on the city website. Temporary Food Permits and inspection reports are subject to Open Records Requests.

ALL PERMIT FEES MUST BE PAID WITH EXACT CASH OR CHECK. DEBIT AND CREDIT CARDS NOT ACCEPTED
PERMIT FEE IN ACCORDANCE WITH THE MASTER FEE SCHEDULE (CURRENTLY \$30.00) AT THE TIME OF THE EVENT. PERMIT FEES ARE PER TEMPORARY FOOD PERMIT AND PERMIT FEES ARE NON-REFUNDABLE

FIRE DEPARTMENT REGULATIONS- Food trucks/trailers with cooking equipment, and all other cooking operations shall comply with Fire Code requirements and contact the FMO prior to the event to verify compliance. Due to Fire Code non-compliance at previous events, all food vendors with cooking operations shall obtain approval from Fire Marshal's Office prior to applying for permit from City and Code Enforcement. If cooking operations are found to be non-compliant with Fire Code requirements, they will not be allowed to continue operations. The event shall be in compliance with the document "Fire Code for Special Events."

By signing this document, I am acknowledging I have read, understood and agree to the requirements.

Signature

Date



EVENT INFORMATION- NAME AND LOCATION OF SPECIAL EVENT: _____

DATE OF EVENT: _____ TIME: _____

EVENT COORDINATOR (NAME): _____

EVENT COORDINATOR PHONE AND/ OR EMAIL: _____

TEMPORARY FOOD PERMIT APPLICANT INFORMATION:

NAME: _____

ADDRESS: _____

EMAIL: _____

PHONE NUMBER: _____

DRIVER LICENSE NUMBER: _____

BUSINESS NAME: _____

I HAVE PROVIDED A COPY OF MY FOOD HANDLER/ FOOD PROTECTION MANAGER CERTIFICATION: YES NO

ARE YOU ONLY OFFERING COMMERCIALY PREPACKAGED ITEMS? YES NO

ARE ITEMS GOING TO BE PREPARED ON SITE? YES NO

IF NO, WHERE ARE FOOD ITEMS PREPARED?

NAME AND ADDRESS OF LOCATION WHERE ITEMS ARE GOING TO BE PREPARED: (COMMERCIAL KITCHEN OR CFPO) _____

INCLUDE ALL ITEMS TO BE SERVED- INCLUDING ICE AND OTHER POTENTIALLY HAZARDOUS FOODS

FOOD ITEM TO BE SERVED***	PLACE OF PREPARATION AND STORAGE

*** NOTE: Only authorized food and beverages listed above that have been approved by the City of Midlothian may be served.

**Is the applicant for the individual TFP a 501.c.3 OR NOT FOR PROFIT Organization? Yes No
 (if yes, and you want consideration given to waive the permit fees, a copy of the vendor's 501.c.3 IRS Determination Letter is required.)**

- I attest that the information provided is true and accurate. I agree to comply with the City of Midlothian and TFER rules and regulations and understand that failure to do so my result in revocation or suspension of the permit.
- The permit is valid for the dates of the specific event only. Attach copy of menu, if available.
- The permit is not transferable. Permit fee is not refundable.
- In accordance with state law, unless the items being offered is approved by State Law (as an approved Cottage Law item) No Homemade Goods are allowed to be sold or offered. All consumable products must be prepared in a certified commercial kitchen and labeled according to regulatory requirements of the State of Texas, on the approved list for CFPO (cottage food production operation) or prepared on site.

This permit is limited to food operations at the event the permit is issued for. Food Operations at any other event requires a separate Temporary Food Permit and permit fee.

I have received, read the application and guidelines for safe food handling.
 I attest the information provided is true and understand that if I am not in compliance with these regulations may be closed immediately.

Applicant's signature: _____

Date: _____



TEMPORARY FOOD PERMIT OVERVIEW- 2021

The term, "temporary food establishment" applies to an establishment that operates at a fixed location held from one to five days. Temporary food permits may be obtained for \$30.00.

Any person or business establishment offering food or drink for a special event that is such as Special Shopping Event, Girls Night Out, etc. is required to have a temporary food establishment for the event. Only items food and drink items that are commercially prepared, or food and drink made at the event are allowed to be offered for sale or sample at a privately organized event for the public. Food and Drink items cannot be prepared at a home and offered for sale or sample at the event.

PERMIT REQUIRED-

Persons vending or offering samples of food or beverage products are required to have a valid Temporary Food Establishment Permit for the event. Temporary Food Establishment Permits are available through the City of Midlothian Police Department Monday through Friday 8:00 a.m. to 5:00 p.m. Permit fees are non-refundable and should be secured 7 days prior to the event. Vendors who fail to secure TFP prior to 7 days before the event may not be issued a TFP. Events are subject to inspection. Please note- Vendors (such as Insurance Agencies or Real Estate Agencies) that only offer commercially, pre-packaged food (like chocolate sandwich cookie or bottled water) that are not potentially hazardous and is not subject to time and temperature control (by TFER), must submit a permit application, but will not be subject to the temporary permit fee.

GENERAL INFORMATION-

In accordance with the Texas Food Establishment Regulations, if business operation is **for profit**, No Cottage Law Items may be offered. Homemade Goods are NOT allowed to be sold or offered. The statute specifies particular locations where the cottage food production operation may sell products. Privately organized special events and other locations are not allowed under the statute.

- Please see specific information below regarding what Cottage Law products are allowed and not allowed at events. Also please be aware Cottage Vendors may participate in events in accordance with State Law. If you have a question City of Midlothian Health Department at 972- 775- 7614.

*Illegal, unpermitted food vendors will be subject to **immediate closure and/ or citations***

What is a cottage food production operation?

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces at the individual's home:
 - a baked good that is not a time and temperature control for safety (TCS) food,
 - candy,
 - coated and uncoated nuts,
 - unroasted nut butters,
 - fruit butters,
 - a canned jam or jelly,
 - a fruit pie,
 - dehydrated fruit or vegetables, including dried beans,
 - popcorn and popcorn snacks,
 - cereal, including granola, dry mix,
 - vinegar, pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or similar solution at an equilibrium pH values of 4.6 or less,
 - mustard,
 - roasted coffee or dry tea,
 - a dried herb or dried herb mix,

- plant-based acidified canned goods, fermented vegetable products, including products that are refrigerated to preserve quality,
- frozen raw and uncut fruit or vegetables,
- or any other food that is not a time and temperature control for safety food.
- Has an annual gross income of \$50,000 or less from the sale of described food.
- Sells foods produced directly to consumers.
Delivers products to the consumer at the point of sale or another location designated by the consumer.

Is a cottage food production operation a food service establishment?

No. A cottage food production operation is not a food service establishment.

What is the definition of a baked good?

A baked good is a food item prepared by baking the item in an oven, which includes cookies, cakes, breads, Danish *pastries*, donuts, pastries, pies, and other items that are prepared by baking. A baked good cannot be and does not include a time and temperature control for safety food (TCS).

What are some examples of foods that can be prepared at a cottage food production operation?

The following are examples of non-TCS that may be prepared and sold at a cottage food production operation:

- Breads, rolls, biscuits,
- Sweet breads, muffins,
- Cakes (birthday, wedding, anniversary, etc.)
- Pastries,
- Cookies,
- Fruit pies,
- Canned Jams and jellies,
- Dry herbs and dried herb mixtures,
- Candy,
- Coated and uncoated nuts,
- Unroasted nut butters,
- Fruit butters,
- Popcorn and popcorn snacks,
- Dehydrated fruit or vegetables, including dried beans,
- Cereal, including granola,
- Dry mix,
- Vinegar,
- Pickled fruits and vegetables,
- Mustard,
- Roasted coffee or dry tea
- Plant-based acidified canned goods, including salsa, BBQ sauce, ketchups.
- Dried Pasta
- Fermented vegetable products
- Frozen raw and uncut fruits or vegetables.

What types of foods are ***not allowed*** to be sold at a cottage food production operation?

The following foods are examples of food that **can not** be produced by a cottage food production operation.

- Fresh or dried meat or meat products including jerky
- Kolaches with meat
- Fish or shellfish products
- Raw seed sprouts
- Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
- Milk and dairy products including hard, soft and cottage cheeses and yogurt
- **Cut** fresh fruits and/or vegetables
- Juices made from fresh fruits or vegetables, that require refrigeration
- Ice or ice products
- Focaccia-style breads with vegetables or cheeses
- Beverages that require refrigeration to prevent the growth of pathogenic bacteria. (TCS Beverages)
- Meat or Poultry
- Seafood

- TCS Products (time and temperature controlled for safety foods)

Where may a cottage food production operation (CFPO) sell products?

The CFP Operator may sell directly to consumers. A representative of the CFPO may not.

Can I use the Internet to sell my cottage food products?

A cottage food production operation may sell through the Internet or by mail order only if: the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer. A cottage food production operation may not sell at wholesale.

Can I make cottage food products in another building on my property?

The law requires cottage food products to be produced in an individual's home which is a primary residence that contains a kitchen and appliances designed for common residential use.

Is labeling required on food items produced by a cottage food production operation?

Yes. Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt.

The label must include the following information:

- The name and physical address of the cottage food production operation;
- The common or usual name of the product;
- If a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
- The following statement: *"This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."*
- Labels must be legible.
- Also, cottage operator selling frozen raw or uncut fruits must label or provide on invoice or receipt the following statement in at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."
- For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food production operation must: label the batch with a unique number.

Do I need a permit or license for my cottage food production operation?

Cottage food production operations are not retail food establishment, therefore, a retail food establishment license is not required.

Is there a limit as to how much I can earn from my cottage food production operation?

Yes. A cottage food production operation is limited to an annual gross income of \$50,000 or less from the sale of food produced at the cottage food production operation.

Is there a process for submitting a complaint against a cottage food production operation?

Yes. A complaint may be submitted to the Texas Department of State Health Services (DSHS) for cottage food production operations located under DSHS jurisdiction at:

<https://www.dshs.texas.gov/foodestablishments/complaints.aspx>

Complaints concerning cottage food production operations that are located under the jurisdiction of a local health authority must be reported to the local health authority.

<https://www.dshs.state.tx.us/regions/lhds.shtm>

Will the Department of State Health Services conduct inspections at cottage food production operations?

No. The Texas Department of State Health Services does not have authority to conduct inspections at a cottage food production operation. However, the Department may investigate a complaint regarding preparation of time and temperature control for safety (TCS) food at a private residence. In the event of a foodborne illness outbreak, the department or local health authority may act to prevent an immediate and serious threat to human life or health.

Will I need to comply with local zoning or other laws?

Local Government Code, Sec. 211.032, Certain Zoning Regulations Prohibited, states a municipal zoning ordinance may not prohibit the use of a home for cottage food production operations.

Can a cottage food production operation deliver food produced by the operation to the customer who purchased the food product?

Yes. A Cottage Food Production Operation may deliver products to the consumer at the point of sale or another location designated by the consumer.

What are the requirements to pickle, ferment, or acidify can goods?

A cottage food production operation that sells to consumers pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods shall:

- use a recipe that: is from a source approved by DSHS,
- has been tested by an appropriately certified laboratory that confirmed the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less; or
- is approved by a qualified process authority; or
- if the operation does not use a recipe described by DSHS, test each batch of the recipe with a calibrated pH meter to confirm the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less.
- For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food production operation must:
 - label the batch with a unique number; and
 - for a period of at least 12 months, keep a record that includes:
 - the batch number;
 - the recipe used by the producer;
 - the source of the recipe or testing results, as applicable;
 - and the date the batch was prepared.
- These testing requirements do not apply to pickled cucumbers.

Does a cottage food operator have to have a Food handler certification?

An individual who operates a cottage food production operation must have successfully completed an accredited basic food safety education or training program for food handlers.

If I have Food Manager Certification, do I also need to have a food handler certification?

The department will recognize a food manager certification from an accredited program in lieu of a food handler certification.

OTHER INFORMATION- Temporary food vendors may completely prepare items on site of the event- example: grill burgers, cook hot dogs, grill chicken, etc. **However, no preparation of food items can be started at home and finished off at the event (such as marinating foods or starting to smoke brisket etc) of site of the special event location.**

NON-PROFIT VENDORS- CHARITY ONLY – FUNDRAISER ONLY- WHERE ALL PROCEEDS ARE GIVEN TO THE 501.C.3 (Example- Boy Scouts, National Honor Society, Church Fundraiser for Mission Trip, American Heart Association, etc.)

If your organization is a non-profit organization (church, school, etc) and items are being sold as a fundraiser with all proceeds being given to the non-profit, you may provide a copy of your IRS letter showing you are a non-profit and the temporary food permit fee may be waived. However, even if the fee is waived, you must get a permit 7 days before the event. If a fundraiser event, homemade goods may be allowed with appropriate labeling and approval from the City of Midlothian Code Enforcement staff.

SELLING EGGS

Selling of Eggs at an event, In accordance with the TDH and the TFER, if someone offers eggs (as the producer), you must still have a temporary food permit AND the eggs must be transported and kept at a temperature of 45 degrees or less. Product must be labeled as being 'ungraded' and have the name and the address of the producer with a safety warning on the cartons

FOOD MANUFACTURERS

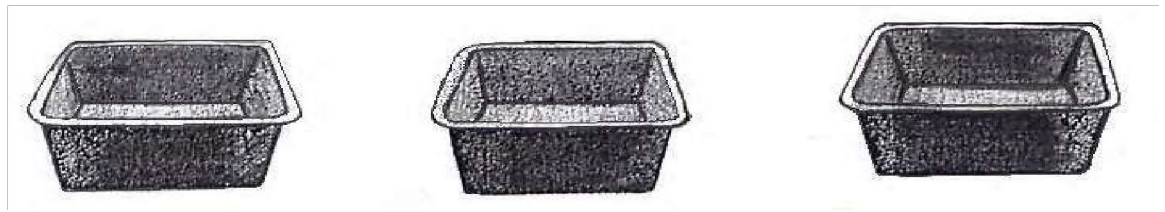
If you have a food manufacturers license through the State of Texas and want to participate at an event, please provide a copy of the manufacturers license with your temporary food permit application.

FOOD HANDLERS- General Safety Standards and Protocol for General Food Safety

- Avoid food handling when you have the following symptoms:
Diarrhea; Vomiting; Sore throat with fever; Persistent coughing, sneezing or nasal discharge; Wound containing pus upon your fingers, hands or wrists; Yellowish eyes or skin with dark colored urine. Personnel that handle food must wash their hands as frequently as necessary. Disposable gloves are allowed; but the use of gloves does not substitute for hand washing.
- The use of tobacco in all forms is prohibited in the food preparation and service area.
- Personnel will not eat or drink in the food preparation or service area.
- Avoid touching food with bare hands by using utensils, disposable gloves, deli tissue, tongs, or other acceptable means.
- Reminder, Ice is considered a PHF. Separate scoops are required for ice dispensing. Separate ice is required for dispensing and cooling.

WATER SUPPLY/ UTENSIL WASHING/ HAND WASHING-

- Potable water must be from an approved source and kept on-site in sufficient quantities.
- Utensil Washing- those vendors that do not have 3 compartment sinks with hot and cold running water must provide: Three (3) sturdy plastic or stainless steel buckets or tubs or adequate size to be used for utensil cleaning and sanitizing. One bucket or tub shall be used to wash (soapy water); One bucket or tub shall be used to rinse (clean, clear water); One bucket or tub shall be used to sanitize (liquid chlorine bleach/ water solution with 2 teaspoons of bleach per gallon of water). Use chlorine test strip to verify proper strength of 50 to 100 ppm.



WASH

RINSE

SANITIZE

- Hand Washing- Soap, paper towels and a minimum 5-gallon container of water with a spigot that remains open to wash both hands shall be provided for hand washing. In addition, a bucket/ basin to catch wash water shall be provided.

EXAMPLE OF HANDWASH STATION



- **Hand washing stations (example above)** for containing warm water:
- No galvanized metal containers

- Spigots must be able to be turned on and stay on (without holding open) while washing both hands under the flow of warm water.
- Each hand washing station **must** have a catch basin at bottom.

CHECKLIST- To ensure you are in compliance at the event

- Valid temporary food establishment permit
- Food from an approved source;
- Adequate supply of potable water at booth
- Adequate containers, covers, wrapping or other means to effectively protect food from insects and other environmental contamination;
- Hand wash stations set up and ready for use (soap, paper towel and minimum 5 gallon container with warm with spigot that remains open to wash both hands)
- Utensil cleaning station (make-shift 3 compartment sink)
- Enough equipment provided to hold ALL Cold Foods at 41 degrees F. or below and ALL Hot foods at 135 degrees F or above; insulated chests must be used to keep Potentially Hazardous Foods (PHF) o such as chicken, steaks, milk, pork, turkey, custards, eggs, mayonnaise, etc. on ice and 41 F or below during transport, cooking and service;
- Probe-type metal stem food thermometer with proper range (0 to 220 F)
- Utensils and disposable gloves to minimize bare hand contact with food;
- Workers have no open sores and are free of illnesses as listed in guidelines;
- Workers keep hands clean and wash hands frequently;
- No bare hand contact with ready to eat food;
- Condiments are in single service, pump type or squeeze containers;
- Chlorine test strips to check and verify the level of sanitizer (in the 3 compartment wash station) is not toxic; levels of chlorine should not be above 50 ppm.

Completed Temporary Food Establishment Permit Applications are received in person at the City of Midlothian Police Department located at 1150 N. Hwy 67, Monday through Friday, 8:00 a.m. to 5:00 p.m. or through the mail. The City of Midlothian must receive your application and appropriate fees 7 days prior to the event. Fees may be paid with exact cash or checks. Credit or Debit Cards ARE NOT accepted. Permit Applications must be received and approved PRIOR to vendor set up at an event. Permit and Fees will NOT be accepted at the event.

If additional information is needed, please contact:

Community.services@midlothian.tx.us

OR Rebecca Jones at 972-775-7614

Fax number is : 972-775-7677