FORT BEND COUNTY

REGULATIONS FOR FOOD ESTABLISHMENTS IN FORT BEND COUNTY

ADOPTED BY
FORT BEND COUNTY COMMISSIONERS COURT

Adopted May 23, 2023
Revised August 6, 2026

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REGULATIONS FOR FOOD ESTABLISHMENTS IN FORT BEND COUNTY

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REGULATIONS FOR FOOD ESTABLISHMENTS
IN FORT BEND COUNTY
Effective May 23, 2026
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SECTION 1: PURPOSE, STATUTORY AUTHORIZATION, ADMINISTRATION AND ENFORCEMENT, AREA OF APPLICATION

1.1 Purpose

The purpose of these Regulations for Food Establishments in Fort Bend County ("Regulations") is to safeguard public health and better assure that consumers obtain food that is safe, unadulterated, and honestly presented by establishing uniform monitoring for Food Establishments and other related operations.

1.2 Authority to Regulate

(a) Fort Bend County, Texas, (the "County" or "Fort Bend County"), a body corporate and public under the laws of the State of Texas (the "State" or "Texas"), is authorized to enforce State law and rules adopted under State law concerning food service establishments, retail food stores, mobile food units, mobile food vendors, and roadside food vendors, pursuant to Texas Health and Safety Code § 437.002(a), as amended; Texas Health and Safety Code Chapter 437, as amended, Texas Health and Safety Code Chapter 431, as amended; 25 Texas Administrative Code Chapters 228 and 229, as amended; and the U.S. Food and Drug Administration (FDA) Food Code as adopted in 25 Texas Administrative Code §228.1, as amended.

(b) To enforce State law and rules adopted under State law, Fort Bend County by order requires food service establishments, retail food stores, mobile food units, mobile food vendors, roadside vendors, and other related operations as set forth in these Regulations, to obtain a Permit from the County pursuant to Texas Health and Safety Code §437.003, as amended; and 25 Texas Administrative Code Chapters 228 and 229.

(c) Pursuant to 25 Texas Administration Code § 228.221, Fort Bend County may impose additional requirements to protect against health hazards related to the conduct of Food Establishments as a mobile operation; may prohibit the sale of some or all Time/temperature Control for Safety (TCS) foods; and when no health hazard will result, may waive or modify certain requirements relating to physical facilities, 25 Texas Administrative Code Chapter 228, as amended.

(d) Pursuant to 25 Texas Administration Code § 228.222, Fort Bend County may impose additional requirements to protect against health hazards related to the conduct of Temporary Food Establishments; may prohibit the sale of some or all

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Time/temperature Control for Safety (TCS) foods; and when no health hazard will result, may waive or modify requirements of these rules, 25 Texas Administrative Code Chapter 228, as amended.

(e) All food establishments must be in compliance with the Fort Bend County Fire Code.

1.3 Areas Covered by these Regulations

These Regulations apply to all unincorporated areas located within Fort Bend County, Texas, including areas in the extra-territorial jurisdiction of municipalities within the County. Areas within the boundaries of incorporated areas of a municipality are not included in the area of jurisdiction unless that municipality has entered into an interlocal agreement with the County under which the municipality has elected to utilize these Regulations.

1.4 Administration and Enforcement

(a) The Fort Bend County Commissioners Court hereby designates the Fort Bend County Health and Human Services Department ("the Department") under the supervision of the Director or the Local Health Authority or the Director's duly authorized representative to enforce, investigate, and implement the provisions of these Regulations, and to enforce State law and rules adopted under State law concerning food service establishments, retail food stores, mobile food units, mobile food vendors, and roadside food vendors.

(b) The provisions of these Regulations shall be enforced by the Department or the Department's authorized representative. It shall be a violation of these Regulations for any person in a Food Establishment, or other operation as set forth in these Regulations, to deny access to the Department or the Department's authorized representatives in the performance of the Department's duties.

(c) The Department employees who are not peace officers but who have been trained to enforce the health and safety laws relating to food, water, waste control, general sanitation, or vector control are authorized pursuant to §§ 121.031 and 121.032 of the Texas Health and Safety Code, by Order of Fort Bend County Commissioners Court, and by these Regulations to issue citations for violations of the above-mentioned health and safety laws occurring in the areas of the County covered by these Regulations. Such citations must state the name of the person cited, the violation charged, and the time and place the Person is required to appear in court.

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SECTION 2: DEFINITIONS

2.1 Definitions

Words and phrases used in these Regulations shall have the meanings provided in Texas Health and Safety Code Chapter 437, as amended; and 25 Texas Administrative Code Chapters 228 and 229, as amended.

(a) "Business day" means Monday through Friday during the week, except for legal public holidays observed by Fort Bend County.

(b) "Certified Food Manager" means a food service employee who has demonstrated the knowledge, skills, and ability to protect the public from foodborne illness by passing an ANSI accredited examination. The Certified Food Manager is responsible for implementing food safety policies, training staff, and ensuring compliance with regulations.

(c) "Cottage Food Vendor" means an individual operating from their primary residence (or a nonprofit director's home) who produces and sells allowed, low-risk, non-TCS (non-Time and Temperature Controlled for Safety) foods directly to consumers, or through third-party vendors.

(d) "Department" means the County's Local Health Authority, the Fort Bend County Health and Human Services Department, having jurisdiction over a Food Establishment or other food service-related operation set forth under these Regulations.

(e) "Event Coordinator" means a person desiring to operate and facilitate a Temporary Food Event.

(f) "Farmers' Market Vendor" means a farmer or food producer who operates a Food Establishment at a Farmers' Market that has received approval from the Department.

(g) "Food Establishment" has the meaning set forth in 25 Texas Administrative Code § 228.2(14), as amended. Food Establishments may include, but are not limited to, restaurants, retail food stores, mobile food units, mobile food vendors, roadside vendors, satellite or catered feeding locations, catering operations if the operation provides food directly to a consumer or to a conveyance used to transport people, markets, vending machine locations, self-service food markets, conveyances used to transport people, institutions, and food banks.

(h) "Food Establishment Permit" or "Permit" means an authorization issued pursuant to these Regulations by the Fort Bend County Health and Human Services Department for the holder of the Permit (the Permittee) to operate a Food Establishment, Mobile Food Unit, Mobile Food Vendor, Temporary Food

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Establishment, Temporary Food Event, Mobile Unit Park, Farmer's Market Vendor, or other food service related operation in Fort Bend County as set forth under these Regulations.

(i) "Ice Cream Truck" is a Mobile Food Unit that sells ice cream and similar products to consumers. An Ice Cream Truck is not a Mobile Food Unit if it only sells prepackaged food products in closed packages to consumers.

(j) "Mobile Food Unit" or "Mobile Food Vendor" or "Food Vending Vehicle" has the meaning set forth in 25 Texas Administrative Code § 228.2(19), as amended and Texas Health and Safety Code 437B. A Mobile Food Unit is a Food Establishment that is a vehicle-mounted, self-contained food service operation, and may include a "mobile food establishment," a "pushcart," or a "roadside food vendor."

(k) "Mobile food vendor" has the meaning set forth in Texas Health and Safety Code 437B any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption.

(l) "Mobile Operator" means an individual authorized to manage, transport, or drive a Mobile Food Unit by the Owner of the Mobile Food Unit.

(m) "Mobile Unit Park" means a venue or location for Mobile Food Units or Mobile Food Vendors that operates more than six (6) times per calendar year, where three (3) or more Mobile Food Units or Food Vending Vehicles gather and offer food and or beverages to the public as a feeding operation and not in conjunction with a Temporary Food Event.

(n) "Owner" means the Person who has an ownership interest in or receives profits from a Food Establishment, Temporary Food Establishment, or Mobile Food Unit, or other venue or operation related to Food Establishments (such as a Mobile Unit Park) as provided under these Regulations. As specifically stated in these Regulations, an Owner may be a Person who owns or operates other property, such as a toilet facility, that does not require a Permit under these Regulations.

(o) "Permittee" means a Person to whom a Permit has been issued pursuant to these Regulations or a Person who has applied for a Permit. The Permittee shall be legally responsible for compliance with these Regulations and all other local and state requirements and shall be held responsible for correction of violations cited pursuant to these Regulations and shall be named in all enforcement actions.

(p) "Person" means, unless stated otherwise in these Regulations, any individual or natural person, partnership, association, or legal entity (including corporations and limited liability companies) able to conduct business under State and local laws.

(q) "Person in Charge" means the individual or natural Person present at a Food Establishment who is responsible for the operation at the time of inspection. The

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Person in Charge has the duties and qualifications required under the FDA Food Code as adopted by 25 Texas Administrative Code § 228.1, as amended.

(r) "Pushcart" means a small, non-motorized, wheeled Mobile Food Unit, typically operated by one person and moved by hand and/or by bicycle.

(s) "Responsible Person" means the individual or natural Person as set forth in Section 4.1(c)(5) of these Regulations, who certifies with a signature that they shall accept legal responsibility for a Permittee's compliance with these Regulations, including appearing in court for violations of the Regulations.

(t) "Temporary Food Establishment" is a Food Establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration. A Temporary Food Establishment shall also mean a Temporary Food Service Establishment.

(u) "Temporary Food Event" (also referred to as "Temporary Event", "Temporary Food Establishment Single Event", "Temporary Food Establishment Multiple Event" or "Event" in these Regulations) is a temporary event where food or beverages are served. Persons responsible for operating a Temporary Food Event must obtain a Temporary Food Event Permit from the Department or qualifying Permit issued by Texas Department State Health Services (DSHS).

(v) "Trailer" means a Mobile Food Unit that is not self-propelled.

SECTION 3: PERMITS

3.1 Food Establishment Permit Requirement

No Person shall operate a Food Establishment in areas of the County covered by these Regulations without having a current and valid Food Establishment Permit issued by the Department. Permits are not transferable from one Person to another or from one location to another location, except as permitted by these Regulations. A valid Permit must be posted in or on every Food Establishment in a conspicuous place. Only a Person who complies with the requirements of State law and regulations and these Regulations shall be entitled to a Permit.

3.2 Nonprofit Organizations

A Food Establishment operated solely by a nonprofit organization is exempt from the permitting fee requirement of these Regulations, with the exception of educational institutions/schools, but is not exempt from compliance with State law and regulations. An organization claiming exemption from these Regulations as a nonprofit organization shall provide the Department with such documentation as the Department deems necessary to prove the establishment's current tax-exempt status as a nonprofit organization.

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3.3 Exclusions

An establishment is not a Food Establishment for the purposes of these Regulations if it is excluded from the definition of Food Establishment under 25 Texas Administrative Code Chapters 228 and 229, as amended.

3.4 Permittee Responsibility

EACH PERMITTEE SHALL ENSURE THAT THE FOOD ESTABLISHMENT, OR OTHER OPERATION COVERED UNDER THESE REGULATIONS, COMPLIES AT ALL TIMES WITH ALL APPLICABLE REQUIREMENTS OF THE TEXAS HEALTH AND SAFETY CODE, CHAPTER 437, 437B, TEXAS ADMINISTRATIVE CODE TITLE 25, CHAPTERS 228 AND 229, AS AMENDED, AND THE UNITED STATES FEDERAL DRUG ADMINISTRATION (U.S. FDA) FOOD CODE AS ADOPTED BY 25 TEXAS ADMINISTRATIVE CODE § 228.1, AS AMENDED. A VIOLATION OF THIS SECTION CONSTITUES A VIOLATION OF THESE REGULATIONS. TO THE EXTENT OF ANY CONFLICT BETWEEN THESE REGULATIONS AND STATE LAW, RULE OR REQUIREMENTS, THE STATE LAW, RULE OR REQUIREMENTS SHALL PREVAIL.

3.5 Compliance

IT SHALL BE A VIOLATION OF THESE REGULATIONS FOR ANY PERSON, INDIVIDUAL, BUSINESS, COMPANY, CORPORATION, OR OTHER LEGAL ENTITY TO OWN OR OPERATE A FOOD ESTABLISHMENT IN FORT BEND COUNTY FOR ANY PERIOD OF TIME WITHOUT FIRST OBTAINING A VALID FOOD ESTABLISHMENT PERMIT OR TO OPERATE A FOOD ESTABLISHMENT IN VIOLATION OFTHESE REGULATIONS.

3.6 Food Establishment Permit Terms.

(a) Permits for Food Establishments including Permits for Mobile Unit Parks are valid for one year from the date of issuance with the exception of a Temporary Food Establishment Single Event Permit which are only valid for a period up to fourteen (14) days.

(b) Permits issued by the Department for Mobile Food Units or Mobile Food Vendors issued before June 30, 2026, will be valid from January 1, 2026, through June 30, 2026. Mobile Food Vendors operating after June 30, 2026, must have a valid Permit for a Mobile Food Establishment issued by the Texas DSHS.

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SECTION 4: ISSUANCE OF PERMITS

4.1. Food Establishment Permits Application Process

(a) A complete application shall be submitted to the Department. An application must be electronically submitted to the Department in accordance with procedures established by the Department for review and approval.

(b) Incomplete applications shall not be accepted. Failure to recognize an incomplete application by the Department shall not deem the application accepted. Even if initially accepted, an incomplete application will not be processed. Once a complete application has been submitted, the application process will begin.

(c) The application shall include:

(1) All fees as required under Section 17, Fees;

(2) The name and address of the Food Establishment. The address must be located in Fort Bend County;

(3) Owner Information:

(i) The Owner's full name and mailing address. Where there are multiple Owners, each Owner must provide a full name and mailing address;

(ii) Where the Owner is a corporation or other legal entity, the Owner shall include the full name and address for service of the legal entity's registered agent as filed with the Secretary of State's Office of the State of Texas; and

(iii) The Owner's driver's license or other photographic identification issued by the State of Texas or another local, state or federal agency or department, within the United States. If the Owner is a corporation or other legal entity, then the Owner must have an authorized agent of the Owner provide the photographic identification required in this subsection.

(4) Permittee Information:

(i) Permittee's full name and mailing address which must be in Fort Bend County or in a neighboring county;

(ii) Where the Permittee is a corporation or other legal entity, the Permittee shall include the full name and address of the legal entity's registered agent as filed with the Secretary of State's Office of the State of Texas; and,

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(iii) The Permittee's driver's license or other photographic identification issued by the State of Texas or another local, state or federal agency or department within the United States. If the Permittee is a corporation or other legal entity, then the Permittee must have an authorized agent of the Permittee provide the photographic identification required in this subsection.

(5) Responsible Person:

(i) For all Permit applications, a Responsible Person shall sign and submit a certification with their signature certifying that the Responsible Person shall accept legal responsibility for a Permittee's compliance with these Regulations, including appearing in court for violations of the Regulations;

(ii) The Responsible Person shall further provide:

A. The Responsible Person's full name and mailing address, which must be in Fort Bend County or in a neighboring county;

B. The Responsible Person's driver's license or other photographic identification issued by the State of Texas or another local, state or federal agency or department within the United States.

(6) A copy of a Fort Bend County Development Permit, if applicable;

(7) A certification by the Permittee that neither the Owner, nor the Permittee, has any outstanding fees or fines required by the Department or other local or state agency. Any outstanding fines or fees owed must be paid before an application shall be accepted for approval;

(8) Any other documents or information as required by the Department.

(d) Inspection. Prior to the approval of an initial Permit or the renewal of an existing Permit, the Department shall inspect the Food Establishment to determine compliance with these Regulations and State law. All Food Establishments must designate the space and boundaries for its food preparation, storage, dining, sales, and other spaces for the Department's plan review inspection and approval. The Department shall approve plans only if the plans and specifications meet the requirements of State law, local regulations, and any additional requirements imposed by Fort Bend County and Department policy. If the Food Establishment's food preparation, storage, dining, sales, and other designated space or boundaries change after the Department has completed its plan review inspection and approval,

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then the Department must conduct another plan review and approval of the space to approve a valid Permit.

(e) Conditions and Information. The Department reserves the right to impose, modify, or remove conditions and/or requirements associated with a Permit it issues to the extent permitted by and in accordance with applicable local or state law or an approved variance issued by the Department. For any Permits obtained through the Department, the Department may also require an applicant or Permittee to submit additional information, drawings, specifications, or documents as needed to process an application or maintain a Permit.

(f) Incomplete or False Information. Failure to provide all required information, falsifying information required, or providing any false statement to the Department may result in denial, suspension, or revocation of the Permit.

(g) Certified Food Manager. A Permit will not be issued unless a certified food manager, as certified pursuant to State law, is on duty during all hours of operation of the Food Establishment. A food service establishment that handles only prepackaged food and does not prepare or package food is not required to have a Certified Food Manager.

(h) Required Person in Charge Designation. As set forth in the U.S.F.D.A. Food Code as adopted by 25 Texas Administrative Code § 228.1, and as amended, the Permittee shall be the Person in Charge or shall designate a Person in Charge, and the Permittee shall ensure that a Person in Charge is present at the Food Establishment during all hours of operation. The Person in Charge is responsible for the operation of the Food Establishment at the time of any inspection.

(i) Food Handler Certifications. All Food Establishments must report food handler certifications, as certified under State law, to the Department according to the Department policy and have a current employee list readily available onsite during all hours of operation.

4.2 Maintenance of Food Establishment Permit and Renewals

(a) Posting. The officially issued valid Permit must be posted at each Food Establishment location in a conspicuous place pursuant to 25 Texas Administrative Code Chapter 228. Photocopied Permits are not permitted to act as proof of a valid Permit.

(b) Renewals. Renewals of Permits are required on an annual basis and the same requirements and information is required for a renewal Permit as for an initial Permit.

(c) Approved Plans. All approved plans and specifications must be followed including those required due to changes in ownership, new construction or alterations to the

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establishment. Failure to construct, remodel, operate, or convert the food establishment as per the approved plans may result in the denial or revocation of a Food Establishment Permit.

4.3 Changes in the Food Establishments Requiring Plan Review

(a) Changes Requiring Plan Review. Whenever a Food Establishment changes ownership, is constructed, or remodeled and whenever an existing structure is converted to a Food Establishment, plans and specifications for such construction, remodeling, or conversion shall be electronically submitted in accordance with the Department policy to the Department for review and approval before work is begun or within thirty (30) days prior to a change of ownership. Before the Department reviews the plans and specifications, the applicant shall pay a Plan Review Inspection Fee. The Department shall approve the plans only if the plans and specifications meet the requirements of State law, local regulations, and any additional requirements imposed by Fort Bend County and Department policy. Submittal of an amended plan that was previously approved shall require a new plan review and Plan Review Inspection Fee. Such review and approval of plans and specifications shall be made in coordination with the review and approval of any related matters submitted to the Fort Bend County Engineer. The approved plans and specifications must be complied with when changing ownership, performing construction, remodeling, or conversion. A change of ownership must comply with all current statutory and regulatory requirements. No Permit shall be issued until the Department determines by inspection that all construction, remodeling, or conversion has been performed in accordance with the approved plans and specifications. All fees shall be approved by the County Commissioners Court and listed in the approved Fee Schedule, attached here as "Exhibit A of these Regulations.

(b) Conditional 30-Day Permit (Amendment Fee). Where there has been a change of Food Establishment ownership, the new Owner of the Food Establishment may obtain an optional thirty-day (30-day) Conditional Permit to remain in operation. Within the 30-Days, a plan review application must be submitted. Failure to submit a plan review application within 30-Days, will result in the denial to purchase additional 30-Day Conditional Permits. A 30-Day Conditional Permit may be renewed no more than eleven (11) times.

SECTION 5: RISK ASSESSMENTS AND INSPECTIONS

5.1 Risk Assessment of Food Establishment

The Department shall conduct a risk assessment for each Food Establishment that applies for or seeks renewal of a Permit. The Department will determine the food service rating according to the "Fort Bend County Environmental Health's Establishment Risk Assessment" form. The minimum number of routine inspections a Food Establishment receives each year is determined by the results

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of the risk assessment as follows:

(a) **Very High Risk.** Food Establishments will be rated *very high risk* for possible food-borne illness outbreaks if the establishments have an inspection history of continued noncompliance with State law and regulations based on a two-year time period as set by Department policy and local Regulations. Very high-risk Food Establishments will receive a minimum of six (6) routine inspections per year.

(b) **High Risk.** Food establishments will be rated *high risk* for possible food-borne illness outbreaks if the establishments serve large amounts and volumes of potentially hazardous foods (Time/temperature Control for Safety foods) (TCS) and especially TCS that require extensive amounts of handling or TCS that are prepared in bulk, as determined by the Department. High risk Food Establishments will receive a minimum of four (4) routine inspections per year.

(c) **Medium Risk.** Food establishments will be rated *medium risk* for possible food-borne illness outbreaks if the Food Establishments serve TCS that require minimal handling or prepare them in individual portions, as determined by the Department. Medium risk Food Establishments will receive a minimum of three (3) routine inspections per year.

(d) **Low Risk.** Food establishments will be rated *low risk* for possible food-borne illness outbreaks if the Food Establishments serve small amounts of TCS and/or pre-packaged individually wrapped food, as determined by the Department. Low risk Food Establishments will receive a minimum of two (2) routine inspections per year.

5.2 Department Inspections and Inspection Reports

(a) Right of Entry. The Department shall be granted entry to the premises of a Food Establishment or other operations under the jurisdiction of the Local Health Authority at any reasonable time to conduct inspections to determine compliance with State laws and rules, including duties and qualifications required under the FDA Food Code as adopted by 25 Texas Administrative Code § 228.1, as amended, and these Regulations. The Department shall be permitted to examine the records of the Food Establishment to obtain information pertaining to food and supplies purchased, received, and used, or to persons employed. It shall be a violation of these Regulations for any person in a Food Establishment to deny access to the Department or the Department's authorized representatives in the performance of the Department's duties. Advance notice or permission for entry is not required.

(b) Inspection Report Form. Whenever an inspection of a Food Establishment is conducted, the findings and observations shall be recorded on an inspection report form. The inspection report form shall summarize the violations and shall set forth a weighted point and demerit value for each classification of violation. The rating

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score of the Food Establishment shall be the total of the weighted point demerit values for all violations, subtracted from 100. A copy of the inspection report form shall be furnished to and signed by a Food Establishment's Owner, Permittee, Responsible Person, or the Person in Charge of the Food Establishment on the day the inspection report form is provided to the Food Establishment. The inspection report may serve as a Notice of a Denial, Suspension or Revocation as described in Section 14 of these Regulations.

(c) Posting Requirements. The most recent Department's inspection form must be posted at all times in an area in the Food Establishment that is clearly visible to the public upon entry into the Food Establishment. The Department reserves the right to designate an appropriate place for posting the inspection form to ensure adequate visibility and notice to the public. Temporary Food Establishments shall not be subject to the requirement of posting the inspection form.

(d) Corrections. The Food Establishment inspection report form shall specify a reasonable period of time for the correction of any violations found. Failure to correct the specified violations may result in the suspension, denial, or revocation of a Permit as provided in Section 14. Additional fees may be assessed for re-inspections (a Re-Inspection Fee) to determine if violations have been corrected.

(e) Food Safety Training Classes. The Department shall require mandatory food safety training classes if a Food Establishment's inspections indicate a lack of knowledge of basic food safety principles.

SECTION 6: ADDITIONAL REQUIREMENTS FOR ALL FOOD ESTABLISHMENTS

6.1 Food Establishments and On-Site Sewage Facilities

(a) All Food Establishments issued a Permit and utilizing an On-Site Sewage Facility or On-Site Sewage Disposal System (hereinafter OSSF), as defined in Texas Health and Safety Code § 366.002 and 30 Texas Administrative Code § 285.2, requiring secondary treatment of the effluent shall be checked and maintained monthly by a contracted maintenance provider. A chlorine residual or fecal coliform test shall be made at each site visit where disinfection is required. One BODs (Biochemical Oxygen Demand) and TSS (Total Suspended Solids) Grab Sample test shall be conducted per year. The minimum acceptable test results shall be those outlined by the applicable State rules. All test results and maintenance reports shall be sent to the Department within 14 days after the test is performed.

(b) When a visual and audible alarm is required for an OSSF servicing a Food Establishment, an additional visual and audible alarm shall be located or installed inside the facility, in an area conspicuous to view by employees.

(c) OSSFs must comply with all applicable State and local County rules and regulations.

6.2 Food Preparation Areas, Water Requirements, Lighting, Toilet Facilities

(a) There shall be at least one (1) food preparation sink, separated from utensil and hand wash sinks, for the washing and preparation of fruits, vegetables, meats and other raw food products.

(b) Water used for human consumption or that services the Food Establishment shall be from an approved public water source.

(c) Food Establishments utilizing individual water wells as a water source shall maintain a daily chlorine reading log.

(d) At least 50-ft candles of shielded or shatterproof lighting shall be provided above food preparation, dishwashing, and utensil handling areas. At least 30-ft candles of shielded or shatterproof lighting shall be provided in walk-in freezers, coolers, restrooms, and under venting hoods.

(e) Toilet facilities shall be accessible to all employees at all times. Except as otherwise stated in these Regulations, toilet facilities must be located within the establishment and have indoor access. Toilet facilities shall be completely enclosed and have solid, tight-fitting, self-closing doors. Toilet rooms shall not open directly into any room in which food, drinks, or utensils are handled, including dining areas and those areas where food is consumed.

6.3 Additional Health and Safety Requirements for Food Establishments

(a) At least one floor mounted curbed cleaning facility (mop sink) shall be provided and used for the cleaning of mops, disposal of cleaning chemicals, and the storage of cleaning equipment. The mop sink shall be installed in a manner to prevent cross contamination.

(b) A mechanical fan properly vented to the exterior of the Food Establishment shall be installed above mop sinks and where chemicals, toxic items, and cleaning agents will be stored.

(c) Grease traps, interceptors or sample wells shall be exterior to the Food Establishment.

(d) All Food Establishments shall have a yearly contract for monthly pest control services with a licensed commercial pest control company.

SECTION 7. TEMPORARY FOOD ESTABLISHMENTS.

7.1 A Person desiring to operate a Temporary Food Establishment shall make application for a Food Establishment Permit electronically to the Department in advance of the Temporary

Food Event. Applications are considered late if not received at least three (3) full business days prior to the event. Permit Fees must be paid in accordance with the Department policy. If the Temporary Food Establishment fails to make application within the specified period, the Department may consider later applications upon payment of the fee established for untimely applications (Late Fee).

7.2 The Department shall issue a Temporary Food Establishment Permit to a Person to operate at a Department-approved Temporary Food Event for a period of 14 consecutive days or less.

7.3 A Temporary Food Establishment Permittee must further adhere to the following requirements:

(a) Separate businesses occupying the same booth must purchase individual Temporary Food Establishment Permits.

(b) A Person who operates more than one booth at an event must designate the specific location of each booth at the event and must purchase a separate Temporary Food Establishment Permit for each booth location.

(c) Foods sold must be from an approved source. Foods must be prepared onsite. Foods that are not prepared on site or that require extensive preparation must be prepared at a licensed Food Establishment.

(d) Each Temporary Food Establishment is required to have at least one person on-site who has a food handler certification.

(e) Mobile Food Vendors operating at an approved Department Temporary Food Event after June 30, 2026, must have a valid state permit for a Mobile Food Establishment issued by the Texas DSHS.

(f) The Department shall not issue a Temporary Food Establishment Permit to a Mobile Food Vendor.

SECTION 8. TEMPORARY FOOD ESTABLISHMENT EVENT

8.1 Event Coordinator Application

An Event Coordinator desiring to operate a Temporary Food Event shall apply for approval through the official channels provided by the Department in advance of the event. The application must contain the name, address of each applicant, the location and description of the proposed use, the plan to provide minimum sanitary requirements at the location, the signature of applicant, and be accompanied by the applicant's driver's license or other photographic identification issued by the State of Texas or a United States agency or department.

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SECTION 9: ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS

9.1 The Department may conduct inspections of Mobile Food Units in accordance with an approved collaborative agreement with the DSHS after June 30, 2026.

9.2 Mobile Food Unit Food Establishment Requirements

(a) Consumer seating shall not be provided at Mobile Food Units.

(b) Live animals shall be excluded from the immediate adjacent surrounding areas of all Mobile Food Units.

9.3 Mobile Food Units Permission Requirements on Private Property

(a) All Mobile Food Units must have notarized written permission from the private property owner to operate on any private property. The notarized written permission must be in the unit and in plain view of the public at all times.

(b) A Mobile Food Unit is not required to display written permission for use of the property if the unit will not operate or be on that property for more than two hours.

9.4 Additional Inspections of Mobile Food Units

(a) All Mobile Food Units' potable water systems must be subject to an annual bacteriological test.

SECTION 10: REQUIREMENTS FOR MOBILE UNIT PARKS

10.1 Mobile Unit Park Permit Required

No Person shall operate a Mobile Unit Park, as defined in these Regulations, without obtaining a Permit from the Department on the form prescribed and issued by the Department. The Owner of a Mobile Unit Park may file an application for a Mobile Unit Park Permit under these Regulations. A Mobile Unit Park may also be known as a "Mobile Vendor Food Court" or "Mobile Food Court."

10.2 Prohibition on being a Servicing Area

A Mobile Unit Park may not serve as a servicing area or other permitted fixed food service establishment for food supplies for any Mobile Food Unit.

10.3 Permittee's Responsibility

The Permittee of a Mobile Unit Park shall be legally responsible for adhering to all regulations and policies of Fort Bend County applicable to its location and the activity occurring on its property.

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10.4 Permit Requirements

To obtain a Permit for a Mobile Unit Park, the Department requires that:

(a) A Food Establishment Permit for a Mobile Unit Park shall be applied for, approved, and all applicable fees paid.

(b) A plan review shall be conducted by the Department and authorization to construct granted as per Department policy. The Plan Review shall, among other requirements per Department policy, incorporate the Mobile Unit Park site requirements as set forth in Section 4.

(c) Mobile Unit Park Manager. The Mobile Unit Park Owner must designate an individual to serve as the Mobile Unit Park Manager. The Mobile Unit Park Manager, the Mobile Food Units operating in the Mobile Unit Park, and the owner of the property on which the Mobile Unit Park is located shall be responsible for the activities that take place at the Mobile Unit Park.

(d) Each Mobile Food Unit operating within a Mobile Unit Park shall hold a valid State license. This is separate from the Mobile Unit Park Permit held by the Mobile Unit Park Owner.

(e) No temporary tents, pop-up canopies or other temporary structures are allowed in a Mobile Unit Park.

(f) A Mobile Unit Park and all Mobile Food Units on site shall be subject to inspections by the Department.

(g) A Permittee for a Mobile Unit Park shall provide other documents or information as the Department may require under Department policy.

10.5 Mobile Unit Park Site Requirements

Each Mobile Unit Park must comply with the following site requirements to obtain or maintain a Mobile Unit Park Permit:

(a) A Plan Review is required prior to construction. A written Authorization to Construct from the Department shall be obtained prior to any construction on the proposed site for the Mobile Unit Park.

(b) The County Fire Marshal's Office must provide a Certificate of Compliance prior to the Department's final approval of the Mobile Unit Park Permit.

(c) The number of Mobile Food Units allowed on a Mobile Unit Park site will be determined by the Department based on the scaled drawing and other information submitted during plan review. There shall be a minimum of 10 (ten) feet separation

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distance between each mobile unit and fixed structure on each side of a Mobile Unit Park. If a primary walkway goes between two units, a 16 (sixteen) foot separation distance between the units is required.

(d) The site shall have an all-weather surface such as asphalt, concrete or crushed stone. Each Mobile Food Unit shall park on this surface. Parking on any unapproved surface is not permitted.

(e) Each Mobile Food Unit shall be provided electrical service by a permitted electrical contractor by means of a quick disconnect. Generators are not permitted at the Mobile Unit Park.

(f) A designated seating area for patrons shall be provided by the Mobile Unit Park. At no time shall seating be provided at or by each mobile vendor.

(g) A minimum of one male and one female restroom or 2 unisex restrooms shall be provided in a Mobile Unit Park. The number of required restrooms may vary depending on information submitted during plan review. The restrooms shall be provided within a permanent structure located on site. THE USE OF PORTABLE CHEMICAL TOILETS OR THE USE OF ANY BUSINESS'S RESTROOM LOCATED NEAR OR ADJACENT TO THE SITE WILL NOT BE PERMITTED. An additional hand sink located outside of the restroom shall be provided and readily accessible to vendors, employees and patrons.

(h) A mop sink with a mop rack and chemical shelf shall be provided by the Mobile Unit Park and conveniently located within an adequately sized building / structure.

(i) Mobile Food Units shall continue to utilize their approved servicing area to resupply water and clean their units. At no time shall the Mobile Unit Park supply fresh water to any Mobile Food Unit. The Mobile Unit Park may not serve as a servicing area for any Mobile Food Unit.

(j) Wastewater disposal connections shall not be provided to Mobile Food Units at any time. All Mobile Food Units shall dispose of their waste at their approved servicing area.

(k) Grease traps, oil, or grease containers are not permitted. All Mobile Food Units shall dispose of all their wastewater and grease at their approved servicing area.

(l) A minimum of one two-yard commercial garbage receptacle shall be provided on site. It shall be accessible to all vendors. The number and size of required enclosed dumpsters will vary depending on information submitted during plan review. Trash receptacles with can liners and secured lids shall be provided by the Mobile Unit Park and conveniently located throughout the seating area and at each Mobile Food Unit.

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SECTION 11: REQUIREMENTS FOR FARMERS' MARKETS

11.1 Farmers' Market Vendor Permit

A Farmers' Market Vendor Permit is only valid at a farmers' market that is comprised of 51% or more farmers or producers as vendors. The Department shall issue a Food Establishment Farmers' Market Vendor Permit to a farmer or food producer for a period of one year to operate at the Department-permitted Farmers' Markets. A Mobile Food Unit is not eligible for a Farmer's Market Vendor Permit. The Department shall determine the requirements to obtain the Permit as stated in this subsection.

SECTION 12: COTTAGE FOOD VENDORS

12.1 Cottage Food Vendors are not Food Establishments and do not require a Permit; however, they may be subject to periodic inspections by the Department for assurance of minimum sanitary requirements.

SECTION 13: ADDITIONAL INSPECTIONS FOR EDUCATIONAL INSTITUTIONS

13.1 Food establishments inspections from the Department, not resulting in the issuance of a Retail or Temporary Food Establishment Permit, shall go through the Initial Inspection Application process referenced in Section 4.

13.2 A cost recovery fee will be assessed for a minimum of two inspection fees per year as defined by Department policy for educational institutions including both public and private non-profit institutions.

SECTION 14: PERMIT DENIALS, SUSPENSIONS OR REVOCATIONS

14.1 Denial, Suspension, or Revocation of Permit

(a) Any violation of any Section or Subsection of these Regulations or failure to meet all requirements of any Section or Subsection of these Regulations, where applicable, will be grounds for denial, revocation, or suspension of a Permit.

(b) The Department reserves the right to deny, suspend, or revoke any Permit where the operation of the Food Establishment constitutes a substantial or immediate hazard to public health, life or safety or where there is a necessity for immediate action to protect the public from injury or imminent danger.

(c) The Department may deny, revoke or suspend a Permit if the Owner, or any agent of the Owner, provided false, fraudulent, or untruthful information in the application for a Permit, and/or withheld pertinent information in the application for a Permit;

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(d) If the Department denies, revokes or suspends a Permit, the Department shall document the denial, suspension or revocation and provide Notice of a Denial, Suspension or Revocation to the Owner within seven (7) days of the date on which the violation or cause giving rise to the adverse action was observed by the Department. The Notice shall provide the reason(s) for the Department's actions.

(e) Revocation shall take effect immediately upon service of Notice of a Denial, Suspension or Revocation by the Department, as described in Section 10.2.

(f) Reinstatement. A Permittee who has had their Permit denied or revoked may be prohibited from reapplying for a period of up to six (6) months after the denial or revocation, as determined by final order of the Department, pursuant to these Regulations. After the above prohibition period, a former Permittee may apply for reinstatement of a suspended or denied Permit by demonstrating that all reasons and/or conditions that led to the suspension or revocation have been corrected and that all necessary controls have been implemented to prevent recurrence of conditions causing the violation. The Department shall first make a finding that the Food Establishment is no longer in violation of State law or the Regulations and no longer poses a risk to public health and safety.

(g) Throughout this Section 10 and its subsections, Food Establishment shall mean all operations, facilities, vehicles, venues, or businesses that may hold a Permit under these Regulations. Moreover, a Permittee shall also refer to an applicant for a Permit.

14.2 Notice of Denial, Suspension, or Revocation

(a) Notice Required. A Permit may be denied, suspended, or revoked only after notice including notice of an opportunity for a hearing, as described in Section 12, has been given.

(b) Service of Notice. Notice is deemed effective on the date written notice to the Permittee, the Permittee's Responsible Person, or agent of the Permittee is hand-delivered or upon deposit of the notice by certified mail sent to the address listed on the Permit application. If Notice is sent by mail, then Notice is deemed received three days after the date of deposit in the mail, unless the Department receives evidence from the Permittee and deems that more time may be allotted.

SECTION 15: VARIANCE REQUESTS

(a) Pursuant to the authority granted to the Department under the Texas Health and Safety Code, 25 Texas Administrative Code Chapter 228, and the Fort Bend County Local Food Establishment Regulations, the Department may grant or deny variances from specific provisions of this Order when it is demonstrated that an alternative practice, procedure, or equipment design provides a level of public health protection that is equivalent to or greater than that required by State laws and

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rules, including the requirements specified in 25 Texas Administrative Code Chapters 228 and 229, as amended; and the FDA Food Code as adopted by 25 Texas Administrative Code § 228.1, as amended; and these Regulations.

(b) An operator requesting a variance shall submit a request in writing to the Department that includes at a minimum, a detailed description of the proposed process or alternative procedure. The following must be provided when requested;

(1) Scientific or technical documentation demonstrating equivalent public health protection,

(2) A site-specific Hazard Analysis and Critical Control Point (HACCP) Plan, as applicable, and

(3) Equipment specifications, process flow diagrams, and facility layout, as applicable.

(c) An approved variance:

(1) Applies only to the specific process and location approved,

(2) Is not transferable to another operator or location, and

(3) Shall be maintained on-site at all times

(d) Conducting a specialized process requiring a variance without written approval from the Local Health Authority is prohibited and constitutes a violation of these Regulations.

SECTION 16: APPEALS

16.1 Request for an Appeal

(a) By submitting an application for a Permit, the Permittee waives the right to challenge these Regulations in a court of law without first timely exhausting the requirements set in this Section.

(b) The Permittee shall have the opportunity to request an appeal of the decision of the Department.

(c) IF A PERMIT HAS BEEN REVOKED, DENIED, OR SUSPENDED, THE FOOD ESTABLISHMENT SHALL NOT OPERATE DURING THE PENDENCY OF ANY APPEAL FROM THE REVOCATION, DENIAL, OR SUSPENSION OF A PERMIT UNDER THESE REGULATIONS.

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(d) All requests for an appeal must be in writing and may be delivered in person, emailed, or sent by certified mail to the Department to an address designated by the Director no later than three (3) business days after the date when the Notice for the denial, revocation, or suspension was received.

(e) The Permittee waives the right to an appeal if the request is not timely received.

(f) The request shall include the Permittee's address for the receipt of notices related to the appeal. The address may not be a PO Box.

(g) In this Section 11 and all its subsections, Food Establishment shall mean all operations, facilities, vehicles, venues, or businesses that may hold a Permit under these Regulations. Moreover, Permittee shall also refer to an applicant for a Permit.

16.2 Hearing Procedures

(a) The Hearing shall be held within ten (10) days of the receipt of request for a hearing. The Department or Local Health Authority shall provide written notice of the hearing date and time to the Permittee. Notice will be sent by regular mail, facsimile, or electronic mail. If the Permittee fails to request a hearing or fails to appear at a scheduled hearing, then the Permit will be denied, suspended, or revoked.

(b) The Local Health Authority shall preside over the proceedings.

(c) The Permittee must be present (or by virtual appearance) at the appeal hearing. If the Permittee is not present at the appeal hearing, the appeal will be automatically denied. Representatives of the Department, including attorneys, may also be present at the hearing.

(d) The Permittee and the Department shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.

(e) It shall be the responsibility of the Permittee to provide a court reporter if requested by either party for the appeal hearing. The requirement for a court reporter may be waived if the appeal hearing is recorded electronically or if the requirement is waived by mutual agreement by both Parties on the record.

16.3 Findings of the Hearing

(a) The Local Health Authority shall provide a written recommendation to the Department and the Owner within five (5) business days of the hearing.

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(b) Based upon the evidence and arguments presented at the hearing, the Local Health Authority shall either sustain, modify, or rescind any notice, Order or action considered at the hearing. A decision by the Local Health Authority shall be final.

(c) The Local Health Authority shall provide written notice of the final decision to the Permittee by certified mail within five (5) business days of rendering the decision.

(d) A Permittee may appeal the final decision by filing a petition in a court of competent jurisdiction in Fort Bend County within thirty (30) days after the date of the decision.

SECTION 17: FEES

(a) All Permit or inspection fees shall be collected by the Department at the time of application.

(i) Payment for a Permit or other required Fee by a check that is returned for insufficient funds may result in revocation of the Permit;

(ii) There shall be no refunds, credits, or prorated adjustments of fees. Fees will not be prorated for any Permit period of less than one full year.

(iii) Prior to the issuance of a Permit, the Permittee must pay all outstanding and applicable fees required by state or local law or by the Department policy or both.

(b) Payment of all fee(s) described in these Regulations are listed in the attached Fee Schedule, and any subsequent amendments to the Fee Schedule as ordered by the Fort Bend County Commissioners Court, attached here as "Exhibit A".

(c) The fees collected by the County under these Regulations shall be deposited to the credit of a special fund of the County in compliance with Texas Health and Safety Code § 437.012

SECTION 18: CRIMINAL PENALTY, CIVIL PENALTY, INJUNCTION

18.1 Criminal Penalty

(a) A person commits an offense if the person operates a Food Establishment, Temporary Food Establishment, Farmers' Market, or Mobile Food Unit without a Permit required by Fort Bend County. Texas Health and Safety Code § 437.016, as amended.

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(b) An offense under this Texas Health and Safety Code § 437.016, as amended, is a Class C Misdemeanor.

(c) Each day on which a violation occurs constitutes a separate offense.

18.2 Civil Penalty

(a) Pursuant to Texas Health and Safety Code § 437.0185(a), as amended, the Commissioners Court of a County may impose an administrative penalty on a Person subject to these Regulations as authorized under Texas Health and Safety Code § 437.003.

(b) Subject to the factors set forth in Texas Health and Safety Code § 437.0185(b), as amended, the amount of the penalty may not exceed $500 per day, and each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

18.3 Injunction

The County Attorney may sue in district court to enjoin a Food Establishment, retail food store, Temporary Food Establishment, farmers' market, mobile food unit, or roadside food vendor from operating without a Permit, if one is required. Texas Health and Safety Code § 437.015, as amended.

SECTION 19: CUMULATIVE EFFECT OF REGULATIONS, SEVERABILITY, ABROGATION

(a) Cumulative Effect of Regulations. Authority under these Regulations is cumulative of any other authority that Fort Bend County has to regulate Food Establishments and other related operations and does not limit that authority.

(b) Severability. If a Section or Subsection of these Regulations, or certain applications of a Section or Subsection of these Regulations is held invalid or unconstitutional by a court of competent jurisdiction, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

(c) Abrogation. Except as specifically set forth herein, these Regulations are not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions.

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EXHIBIT A
FEE SCHEDULE

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EXHIBIT A

The following fees are to be paid in connection with applications submitted pursuant to, and obligations under, these Regulations.

Food Establishment Fees	
Permit	
Food Establishment Category A	$550
Food Establishment Category B	$275
Food Establishment Category C	$100
Conditional 30-Day Permit (Amendment Fee)	
Category A	$280
Category B	$180
Schools (Two $150 Inspection Fees per Year)	$300
Servicing Area	$300
Mobile Unit Park	$300
Temporary Food Establishment	
Single Event	$75
Multiple Event	$150
Plan Review Initial Inspection Fee	$150
Plan Review Additional Inspection Fee	$150
Re-Inspection Fee	$150
Expedite Fee	$550
Replacement Permit	$50
Late Fee	$75
Chemical Test Strips	$10

Category A: any place where unpackaged Time/temperature Control for Safety (TCS) food or non-TCS is processed or prepared or a commercial kitchen provided for use by multiple Food Establishments.

Category B: any place where only prepackaged TCS foods are sold and/or limited non-TCS foods, including sliced citrus beverage garnishments or crushed ice mixed with a sugar water-based syrup, are served or sold.

Category C (Farmers' Market Vendor): a farmer or food producer who operates a Food Establishment at the Department approved Farmers' Market. A Farmers' Market Vendor Permit is only valid at a farmers' market that is 51% or more farmers or producers.

Temporary Food Establishment Permit: A food establishment that operates for a period of no more than 14 consecutive days in conjunction with an approved event or celebration.

- The Single Event Permit is valid for one individual food booth at one specific event and is valid for 14 consecutive days from the initial effective date.
- The Multiple Event Permit is valid for one individual food booth at multiple events for one year from the initial effective date, provided that each event is recognized and approved by Environmental Public Health and does not exceed 14 consecutive days.

Conditional 30-Day Permit (Amendment Fee)

- **Category A Amendment Fee:** An optional fee which shall allow a permitted Category A Retail Food Establishment business to remain open and in operation during a change in ownership for up to one year

from the initial effective date (Cannot renew more than 11 times). Amendment fees do not apply to Temporary Food Establishments.

- **Category B Amendment Fee:** An optional fee which shall allow a permitted Category B Retail Food Establishment business to remain open and in operation during a change in for up to one year from the initial effective date (Cannot renew more than 11 times). Amendment fees do not apply to Temporary Food Establishments.

Plan Review Initial Inspection Fee: A fee assessed at the time of application for the evaluation of the proposed design, layout, equipment, operational procedures and inspection of a food establishment prior to initial construction or remodeling. This fee is also applicable to establishments undergoing a change of ownership.

Expedited Initial Inspection Fee: An optional charge assessed to expedite the review and processing of an Initial Inspection application, or a Re-Inspection requested outside of normal business hours and/or available schedule. This fee allows for an accelerated inspection timeline but does not guarantee a successful outcome.

Inspection Fee: A fee applied to establishments which are inspected, but not necessarily permitted by Environmental Health. This fee may be applied to profit and/or non-profit food establishments.

Re-Inspection Fee: A fee associated with a follow-up inspection by Environmental Health, usually, may vary, held within 10 days to confirm that previously identified violations have been corrected and the establishment is in compliance with health and safety regulations.

Mobile Unit Park: A Food Establishment venue that operates more than 6 times per calendar year, where three (3) or more mobile food units gather and offer food and or beverages to the public as a feeding operation and not in conjunction with a Temporary Food Event.

Late Fee: A fee assessed to an establishment in response to late payment beyond the specified due date and/or failure to appear for a pre-scheduled appointment

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