



**City of Weslaco Code Enforcement
 TEMPORARY FOOD ESTABLISHMENTS
 SPECIAL EVENTS APPLICATION**

(Any event which require City Commission Approval)

(Please Print)

Today's Date: _____

Name of Event: _____

Address of Event: _____

Event Sponsor:* _____

Sponsor Add:_____ Zip:_____ Telephone#:_____

On-site Coordinator:_____ Telephone#:_____

(May be contacted during event)

Starting:_____ Ending:_____ Total # Days:_____

Date Time Date Time

Number of Stands/ Booths:_____

Items Being Sold/ Given Away: _____

Applicant's Signature:_____

NOTE: Payment of license fees will not constitute approval for operation unless Temporary Food Ordinance Standards are met. Permit fees are non-refundable. However, the date of the event may be rescheduled or the event may be canceled and rescheduled if the applicant makes a request to reschedule in person at the development and business service center at least three (3) business days prior to the event.

May be asked to show proof of Sponsorship upon request

For Office Information Only

Amount Paid:		Temporary Permit #'s
Date Paid:		
Date of City Commission Approval:		

Sanitarian Signature:_____

(Approval if needed)

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CITY OF WESLACO

PLANNING & CODE ENFORCEMENT DEPARTMENT

Sec.102.04 Fundraisers / Plate Sales

(a) Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. **Fundraising:** means a person who is gathering voluntary contributions of money or other resources.
- b. **Plate sale:** means a person who sets up temporarily to Barbecue or cook food on an occupied property whose owner has agreed in writing to allow access to bathroom facilities and parking as required by the business.
- c. **Services:** useful labor that does not produce a tangible commodity
- d. **Nonprofit Organization:** means a business entity that is granted tax-exempt status by the Internal Revenue Service.
- e. **Church Organizations:** All religious organizations must provide tax-exempt status from the Internal Revenue Service (IRS).
- f. **Food Handler License:** It shall be unlawful for any person to handle food without obtaining a food handling certification. A minimum of two hours of food sanitation training is required every three years to ensure employee performance of their duties in accordance with food service sanitation ordinances, rules and regulations.
- g. **Peddler:** means any person with no fixed place of business who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchaser.
- h. **Solicitor:** means any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever, for future delivery. The term "solicitor" does not include any person taking or attempting to take orders to be filled by goods, wares, or merchandise delivered to the purchaser from other states.

(b) License—Required.

No organization, peddler, solicitor or person shall sell or offer to sell any food, merchandise or provide services within the city unless a license therefore shall first be secured as provided in this section.

(c) Application and issuance.

- a. Application for such license shall be made to the city's planning and code enforcement department on a form supplied by the city. The application shall state:

- i. The name and address of the applicant and all persons associated with him in his business or organization.(proof of identification required).
- ii. The type of sale or services for which the license is desired.
- iii. Written permission from the owner of record of the property on which the use is to be located. If the location is a business the letter must have an original letter head from such business. Letters with a business stamp and a managers or supervisors signatures will not be allowed.
- iv. The length of time for which the license is desired.
- v. A general description of the things to be sold or services rendered.
- vi. The place of residence of the applicant for the five years preceding the date of application.
- vii. The blank applications shall be issued upon a nonrefundable payment of \$50.00, which shall not be credited on the license fee if the license is granted. Every application shall bear the written approval of the chief of police after an investigation of the moral character of the applicant is conducted. The completed application shall be presented to the city's planning department for its consideration, and, if granted, a license shall be issued upon payment of \$10.00.

(d) Nontransferable.

A license issued under the provisions of this chapter shall not authorize any person other than the person named in said license to engage in business there under, and such license shall not be transferable.

(e) Required to be carried during conduct of sale.

Every person licensed under this section shall have with him, while engaged in such sale, the license received by him from the city, and shall produce the same at the request of any city official or at the request of any individual within the city to whom he is selling or attempting to sell the same.

(f) Requirements.

All plate sales or services offered with in the city must meet the following requirements:

- a. No person providing plate sales or services will be allowed from a vacant lot or any street right-of-way easement, sidewalk or alley.
- b. No person providing plate sales or services will be allowed on FM 88 (Texas Blvd.) rights-of-way between the city limits.
- c. All plate sales or services provided by any person shall operate with equipment and/or displays that can be entirely removed from the site at the end of each day of operation.
- d. All persons providing plate sales or services have permission from the owner of record of the property where an already established legally conforming business use exists to allow the applicant to share parking and restroom facilities provided

and maintained by the main business use on the lot, and both businesses must continue to be in compliance with all city health codes and ordinances.

- e. The code enforcement department (and other departments, as necessary) shall inspect the site for compliance to normal regulations, such as health requirements for a food vendor, and parking regulations for the site. Such department shall issue citation and summons as necessary for any violation this article.

(g) Practices prohibited.

No person licensed under the provisions of this chapter shall within the city call attention to his business or to the goods, wares or merchandise which he is selling or offering for sale by crying them out, blowing a horn, ringing a bell or by any loud or unusual noise.

(h) Nonprofit charitable organizations.

This article exempts nonprofit charitable organizations from license fees based on written proof and verification of nonprofit status, which must be filed with the city's planning and code enforcement department by an authorized representative of the organization.

This chapter shall not apply to **mobile** vendors, sales made by commercial travelers or selling agents in the usual course of business with bona fide dealers, bona fide sales of articles by sample for delivery at a future date, sales conducted pursuant to statute or by order of any court, bona fide auction sales conducted by an auctioneer duly licensed under state statutes or by order of any court, or persons selling or peddling the products of the farm or garden cultivated by such persons.

(i) Revocation.

Any license issued under the provisions of this article shall be subjected to revocation by the city planning and code enforcement department, and other departments, as necessary, upon satisfactory proof of a violation of the provisions of this article by such licensee; provided, however, that such licensee shall be given notice of such proposed revocation.

(j) Duration.

No license shall be issued or granted for more than a three-day continuous period. Applicants, including nonprofit charitable organizations, may renew licenses up to (4) four times a year. In the event special circumstances should arise requiring additional licenses to be issued to the applicant, such applicant, upon approval by the city planning department and the city commission, may receive an exemption to this section in writing allowing for the issuance of an additional license, which shall be secured following the specifications set forth in this chapter.



City Of Weslaco Code Enforcement Health Division Food Handler Safety Requirements

I. FOOD BORNE ILLNESS PROTECTION:

- a. An employee or volunteer must report to the person in charge if he or she has an illness due to:
 - i. Norovirus
 - ii. Hepatitis A
 - iii. Salmonella typhi
 - iv. Shigella spp
 - v. Shiga toxin- producing E. coli
- b. An employee or volunteer must report to the person in charge if he or she has the following symptoms now or within the last month:
 - i. Sore throat with fever
 - ii. A sore containing pus that is open
 - iii. Vomiting
 - iv. Diarrhea
 - v. Jaundice

II. GOOD HYGIENIC PRACTICES:

- a. HANDWASHING: Hands and exposed portions of arms that may contact food must be washed for at least 20 seconds using soap and water, followed by thorough drying of cleaned hands and arms using individual disposable towels, a continuous towel system or a heated air hand-drying device.
- b. WHEN TO WASH HANDS: Hands need to be washed after: touching bare human body parts (other than clean hand); using the toilet; caring for or handling animals; coughing, sneezing, using a handkerchief or a disposable tissue; using tobacco; eating or drinking. During food preparation hands must be washed as often as necessary to remove food debris that can cross contaminate other foods; when switching from raw food to cooked or handling ready-to-eat foods; before putting on gloves; and after engaging in other activities that contaminate hands or gloves.
- c. HAND SANITIZERS: Hand sanitizers are to be used after hands have been properly washed and dried prior to handling ready-to-eat foods.
- d. FINGERNAILS: Must be kept clean. If fingernail polish is worn gloves must be used before preparing food.
- e. EATING, DRINKING AND TOBACCO USE: Eating and drinking must only be done in designated areas to ensure foods are not contaminated. Smoking or the use of smokeless tobacco is not permitted inside any food booth.

- f. HAIR RESTRAINTS: While working with foods or drinks hair restraints such as hats or hairnets must be worn at all times.
- III. PREVENTING CROSS CONTAMINATION BY WORKERS: Food workers are strongly encouraged to only handle ready-to-eat foods using proper utensils, deli tissue, spatulas, tongs, single use gloves or dispensing equipment. If these are not used, food workers must properly wash and dry their hands and follow with a hand sanitizer immediately prior to handling any ready-to-eat foods.
- IV. CROSS CONTAMINATION:
- a. PREVENTING CONTAMINATION WHEN TASTING: Workers must not use a utensil more than once to taste food.
 - b. PREVENTING FOOD AND INGREDIENT CONTAMINATION: At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination.
 - c. PREVENTING CONTAMINATION FROM ICE USED AS A COOLANT: Ice used to cool foods or canned drinks, cooling coils and tubes of equipment may not be used as food or placed in drinks. Packaged foods may not be stored in direct contact with ice or water unless the packing will not allow water to penetrate such packaging.
 - d. PREVENTING CONTAMINATION FROM EQUIPMENT, UTENSILS: Food shall only contact surfaces of equipment that have been properly washed, rinsed, and sanitized. In use food utensils may only be stored, handles up in the food; on a clean portion of the food preparation table or cooking equipment if the equipment is properly cleaned and sanitized, in running water, or in a container of water if the water is maintained at a temperature of a least 135 degrees F.
 - e. PREVENTING CONTAMINATION FROM THE PREMISES: Food, equipment, single service items such as cups, plates, disposable tableware, napkins, etc. must be stored in a clean dry location, where it is not exposed to splash, dust or other contamination and at least 6 inches above the floor.
 - f. PREVENTING CONTAMINATION FROM CONSUMERS: Food on display shall be protected from contamination by the use of packaging, counter, service line, salad bar food guards, display cases, or other effective meant. Condiments shall be protected from contamination by being kept in: dispensers that are designed to provide protection; protected food displays provided with the proper utensils; original containers designed for dispensing, or individual packages or portions.
- V. TIME AND TEMPERATURE CONTROL:
- a. REFRIGERATED FOOD: Refrigerated food must be held at 41°F. or below.
 - b. HOT HOLDING: Food meant to be held hot must be kept at 135°F. or above.
 - c. COOKING TEMPERATURES:
 - i. Raw animal foods such as raw shell eggs for immediate service, fish, meat, pork and exotic animals commercially raised must be cooked to 145°F. for 15seconds.
 - ii. Meat such as ratite (e.g. ostrich), injected meats, ground fish, meat, game animal and exotic animals commercially raised for food must be cooked to

- 155° F. for 15 seconds.
- iii. Poultry, wild game animals, exotic animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratite must be cooked to 165° F. for 15 seconds.
 - iv. Microwaved foods must be heated to 165° F. and allowed to sit for 2 minutes before serving.
 - v. Reheating: Potentially hazardous food is cooked, cooled and reheated for hot holding must be reheated to 165° F. for 15 seconds.