

# Permits

It is unlawful for any person to operate a food establishment in the City of Houston without a current permit issued by the health officer. More than one permit may be required depending on the type of food or type of food service provided. Permits are required to be posted in view of the public in every food establishment. Permit fees vary according to permit type. Most permits, except for temporary food service establishment permits, are renewable on an annual basis.

## Food Dealer's Permit

No person shall operate a food establishment or temporary food service establishment without possessing a valid food dealer's permit issued to him by the health officer. A food dealer's permit shall only be valid for the location specified thereon and may not be transferred from place to place. A food dealer's permit becomes void upon the closing of any sale of the establishment.

Any person considering opening a new restaurant or purchasing an existing food establishment or other food facility needs to schedule a pre-opening inspection, submit payment, and obtain a food dealer's permit.

Fees shall be determined according to the following schedule, except that food service establishments that operate exclusively as part of a nonprofit organization shall be charged \$20.00 for each food dealer's permit. Fees are determined by the total number of persons employed full-time or part-time by the food establishment.

- a. One to nine employees ..... \$200.00
- b. Ten to 25 employees ..... \$330.00
- c. Twenty-six to 50 employees .....\$480.00
- d. Fifty-one to 100 employees .....\$630.00
- e. One hundred one or more employees ....\$780.00
- f. In addition to the fees described above, there shall be a technology and administrative fee added to each food dealer's permit in the amount of \$10.00. This technology and administrative fee shall be payable at the time the food dealer's permit is paid.

A food dealer's permit shall be valid for one year from the date of issuance and shall be renewed on or before the expiration date of the previous permit. An individual who has lost a valid, current food dealer's permit may obtain a replacement for a fee of \$25.

## FOG

All commercial food preparation operators that have interceptors ([grease traps](#)) must have a permitted waste transporter to clean each interceptor and holding tank as often as necessary, but not less than quarterly, to comply with the effluent discharge parameters to ensure that sediment and floating materials do not impair the efficiency of the interceptor and to ensure that no visible **fat, oil or grease (FOG)** is observed in the sample well. A notice of waiver application may be submitted for review to obtain a waiver from the 90 day cleanout to a 180 day cleanout frequency.

On May 2, 2007, the Houston City Council approved revisions to chapter 20 and 47 of the Code of Ordinances: an annual interceptor registration fee of \$50.00 for each interceptor (grease trap) will be assessed with the annual food dealer's permit fee. Contact 713-640-4399 for more information regarding this ordinance.

## Mobile Unit Medallion



Any person desiring to operate one or more mobile food units in the city shall obtain an individual medallion for each operating mobile food unit from the health officer. A medallion shall be affixed by the health officer on the mobile food unit in a conspicuous place where it can be viewed by patrons.

All mobile food service unit operators must obtain an individual medallion (\$300.00) for each mobile food service unit, and unrestricted, conventional mobile food units must also pay an electronic monitoring system fee (\$200.00). In addition to the fees described for the operation of a mobile food unit above, there shall be a technology and administrative fee added to each mobile food unit medallion in the amount of \$10.00. This technology and administrative fee shall be payable at the time the mobile food unit medallion is paid. Medallions are not transferable from one person to another nor from one mobile food unit to another mobile food unit. An individual who has lost a valid, current mobile food unit medallion may obtain a replacement from the health officer for a fee of \$25.00

## Frozen Dessert Permit



All applicants for a food dealer's permit shall be required to disclose to the health officer whether the proposed establishment or mobile food unit constitutes a frozen desserts retail establishment where frozen dessert mixes are frozen or partially frozen and dispensed for retail sale or distribution. Each holder of a valid and unexpired food dealer's permit who desires to commence operating a frozen desserts retail establishment shall make an application for a frozen desserts retail establishment permit for the affected premises or mobile food unit to the health officer on forms provided by the health officer.

There is an annual fee for the frozen desserts retail establishment permit of \$110.00 which shall be payable to the health officer in conjunction with and in addition to the fees prescribed in section 20-38 of the Houston Food Ordinance for the issuance of a food dealer's permit. In the event that the term of an applicant's frozen retail establishment permit has a shorter duration than the term of its food dealer's

permit, the fee for the frozen desserts retail establishment permit shall be prorated for the unexpired term of the food dealer's permit at the rate of \$9.00 per month for each full month or portion of a month remaining thereon, provided that the minimum prorated fee shall be \$54.00. The annual fee for a frozen desserts retail establishment permit for a nonprofit organization shall be \$45.00; the fee shall not be subject to proration. The operator may obtain a replacement permit for a fee of \$25.00.

## Temporary Permit



Individuals or groups planning to operate a temporary food service establishment at a fixed location for a period of time of not more than 21 consecutive days in conjunction with a single event or celebration must obtain a temporary food dealer's permit. A valid permit shall be posted in view of the public at every temporary food service establishment. Each physically separated stand or booth requires a separate permit. In any instance in which all operations within a stand or booth are not under the supervision and control of the same person, then a separate permit shall be required for each person who controls any portion of the activities within the stand or booth.

All temporary food dealer's permits must be purchased 7 days in advance of the event. The permit fee shall be \$60.00 per day per booth for each day the permit is valid, provided however, that the total fee for a temporary food service establishment while participating in an event with a duration of ten consecutive days or more at the same location shall be \$600. A one time technology and administrative fee \$10.00 will be added to each permit.

[Click to download the application for a temporary event permit](#)

The fees otherwise required by this section shall not be imposed by the health officer for the issuance of a food dealer's permit to operate a temporary food service establishment within a city park if each of the following criteria is met:

- The temporary food service establishment is being operated by a community-based organization as part of a public gathering for which a permit has been issued under article III of Chapter 32 of this Code, and the director of parks and recreation has waived user fees for the gathering pursuant to section 32-69(f) of this Code;
- All persons responsible for organizing and working in the temporary food service establishment are unpaid volunteers; and
- All proceeds from the operation of the temporary food service establishment are retained to be used for the benefit of the community-based organization or are donated to the city.

- The provisions of this ordinance shall not be construed to excuse the community-based organization from obtaining a temporary food dealer's permit or from complying with any other applicable provisions of this article.



## **Produce License**

Every person must obtain a produce license before engaging in the business of selling farm produce as peddler or operating an establishment for the sale of farm produce within the city limits. This person shall make written application for permit. The application shall include name, address and telephone number of applicant's residence and of the establishment and license number of all vehicles used in peddling selling or delivering such farm produce. Farm produce means herbs and spices in their natural or dried state, and vegetables, fruits, nuts, berries, grains, honey, watermelons and other melons, and cantaloupes in their natural state.

### **Farm Produce Peddler's or Sale's Establishment License**

A license fee of one hundred dollars (\$100.00) per annum shall be paid prior to obtaining a permit. A license holder may obtain a replacement license from the health officer for a fee of \$25.00 dollars when he lost his current, valid permit.

### **Produce Sales Establishment License**

Each establishment from which farm produce is displayed, sold or offered for sale shall be provided with easily cleanable floors and keep in a sanitary condition and provides a roof, but it shall not apply to trucks, wagons or other vehicles. The farm produce shall be kept on a counter which is not less than 18 inches above the floor (except watermelons). There shall be available to each such establishments running water with a restroom.

### **Exemptions**

No farm produce license is required by a farmer who peddles, sells or offers for sale farm produce from door to door, house to house, provide such produce was grown or raised by such farmer.

## **Certified Farmers Market**



**Certified farmers market** means a farmers market that has been certified by the Texas Department of Agriculture pursuant to Subchapter D of Title 4 of the Texas Administrative Code. [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=4&pt=1&ch=17&sch=D&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=4&pt=1&ch=17&sch=D&rl=Y)

Any person desiring to obtain or renew a certified farmers market license shall make written application for a license on a Department of Health and Human Services form. It is unlawful for any vendor to display, sell or offer for sale any food item other than farm products. Vendors are prohibited from engaging in food preparation other than sampling.

Farm products means farm produce, shelled peas or legumes, yard eggs, [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=4&pt=1&ch=15&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=4&pt=1&ch=15&rl=Y)

and packaged foods processed or manufactured by a vendor in a licensed food establishment and packaged and labeled according to all applicable laws.

All vendors shall comply with all the sanitation requirements and additional requirements while conducting sampling. [Click to view the requirements.](#)

## **License.**

- (a) *Application.* Any person desiring to obtain or renew a certified farmers market license shall make written application for a license on a form promulgated by the health officer. The application shall include:
- (1) The applicant's full name, post office address, home and business telephone number;
  - (2) Copy of the current and valid farmers market certification issued to the applicant by the Texas Department of Agriculture;
  - (3) Copy of the certified farmers market association by-laws, list of governing body members, and membership list;
  - (4) A property owner agreement letter;
  - (5) A description of the certified farmers market season, and days and hours of operations; and
  - (6) A list of all vendors who hold a current and valid food manufacturers license issued by the State of Texas and copies of those licenses.

- (b) *Posting of license.* A certified farmers market shall have its certified farmers market license posted in view of the public during hours of operation.
- (c) *Term.* A license shall be issued for a period of one year.
- (d) *Renewal.* An application for renewal of a certified farmers market license must be received by the department, accompanied by the applicable fee, before the expiration date of the previous license. Information provided in a renewal application must be current and valid.

**License Fees.**

- (a) At the time of application for a certified farmers market license and each renewal thereof, the applicant shall pay to the health officer a nonrefundable annual fee, which shall be based on the number of vendors as follows:

Certified farmers market with ten or more vendors..... \$250.00

Certified farmers market with nine or fewer vendors .....\$150.00

- (b) *Replacement fee.* A license holder who has lost his valid, current certified farmers market license may obtain a replacement from the health officer for a fee of \$25.