



Hays County Development Services

2171 Yarrington Rd, Suite 100, Kyle Texas 78640
(P) 512-393-2150 (Email) foodpermits@co.hays.tx.us

Mobile Food Unit Variance Request Template for a Central Preparation Facility (CPF)

Central Preparation Facility Required:

According to the Texas Food Establishment Rules (TFER) §228.221(b)(1), a mobile food unit must operate from a licensed central preparation facility (CPF) or other approved retail food establishment. The mobile food unit should report to such location daily for supplies and for cleaning and servicing operations. Servicing operations include the flushing and drainage of liquid wastes and filling of potable water.

The mobile food unit operator must provide a signed letter of authorization during the pre-licensing inspection if the establishment is not owned by the operator. The most recent inspection for the CPF shall be maintained on the MFU for review.

Servicing Area Required:

If a waiver is granted for a CPF, the MFU operator must provide information about the servicing operations. This includes the location the MFU operator will use to fill their potable water supply and the disposal of liquid waste. The servicing area must comply with all requirements identified in TFER 228.221(c)(1)(A)-(E). A servicing area may not be a private home or living quarters. If the servicing area is not owned by the operator, a signed letter of authorization is required.

Variance Request Requirements:

Before a variance for operating a MFU without a Central Preparation Facility is approved, the following information must be provided:

- A statement of the proposed variance that includes the section of the rule(s) related to the modification.
- An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant rule sections will be alternatively addressed by the proposal.

➤ A HACCP Plan may be required.

If the variance request lacks “part or all” of the information, the variance will not be approved. Please feel free to submit documents and photographs that will help our department verify that a health hazard or nuisance will not result from the variance. The department will provide a written response to the requester concerning the outcome of the variance request.

If the department grants a variance, any deviation from the procedures is justification to rescind the variance.

Public health rationale must be provided as justification for the variance. You may provide the necessary rationale for your variance request by using the attached checklist. Use additional pages or pictures for your explanations.

Statement of Proposed Variance for Central Preparation Facility

In order to waive any requirements for a Central Preparation Facility, the MFU owner/operator must demonstrate how the MFU meets the following requirements:

Variance Request Rationale
<p>Sufficient space is required for food storage, preparation, cooking, cooling or otherwise handling food to prevent cross contamination and other health hazards.</p> <p>Explain how your MFU meets the above requirements (i.e. Size of refrigerator, freezer, shelving, storage containers):</p>
<p>All food, food equipment, utensils and single service articles are required to be stored on the MFU in a manner to avoid contamination as specified in TFER.</p> <p>Explain how and where you will store the above equipment on the MFU:</p>
<p>The manual warewashing sink compartments are required to be large enough to immerse all equipment and utensils on the unit to be properly washed, rinsed, and sanitized.</p> <p>What is the largest piece of equipment or utensil you are using and how will it be sanitized?</p> <p>What is the capacity (size) of the three compartment sink?</p>
<p>Potable water is required to be obtained from an approved source and through a food grade hose.</p> <p>Please specify how you will meet this requirement. Provide physical address of the facility from where potable water will be obtained:</p>

Sewage and other liquid wastes shall be removed from a Mobile Food Unit at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created. MFU must have a permanently installed waste retention tank.

Please specify how you will meet this requirement. Provide physical address of the wastewater disposal facility:

All food handling preparation is required to take place inside the mobile food unit. No food preparation, food storage, dry storage, etc. is allowed at a private residence.

Please specify how you meet the above requirement:

A Central Preparation Facility is required to be designed, constructed and operated as a retail food service operation (i.e. walls, floors, ceiling, equipment, plumbing, etc.).

Please specify how your MFU meets these requirements:

The following documentations are required:

- Servicing area Authorization (please describe the facility)
- Photos of mobile food unit and equipment (interior/ exterior)

Provide a copy of each of these documents in this request.

Failure to provide any of the requested information may cause a delay in processing your variance request.

*****NO FOOD SERVICE OPERATIONS WILL OCCUR AT A PRIVATE RESIDENCE*****



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Food Establishment Variance Request Form

Overview:

The Food Establishment Variance Request Form shall be used in conjunction with any Food Establishment Application when seeking a variance from a regulation adopted by Hays County. The decision to approve or deny a variance is at the full discretion of Hays County Development Services and/or the Hays County Commissioners Court.

Instructions:

The Variance Request Form shall be completed in its entirety. Any incomplete forms will not be accepted and returned to the Owner / Applicant. Documents are required to be attached to the Variance Request Form. Submittal of a Variance Request Form does not guarantee approval of any variance from a regulation adopted by Hays County.

Fee:

Food Establishment Variance - \$100.00 per request

Definitions:

Applicant – A person seeking approval of an application submitted pursuant to the Hays County Development Regulations.

Hazard Analysis and Critical Control Point (HACCP) – A written document that delineates the formal procedures for following HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Owner(s) – The holder(s) of a legal or equitable interest in real property as shown by the deed records of the county in which the property is located, and which has been included in an application or Development Authorization under the Hays County Development Regulations.

Standardized Procedures – Also known as Standard Operating Procedures (SOP) are written procedures for performing various tasks, ensures that quality, efficiency, and safety criteria are met each time the task is performed by detailed procedures for controlling foodborne illness risk factors.

Variance – A written document issued by the Regulatory Authority that authorizes a modification or waiver of one or more requirements of the Regulations if, in the opinion of the Regulatory Authority, a health hazard or nuisance will not result from the modification or waiver.

Owner Information:

Owner Name: _____
Owner Address: _____
Primary Phone: _____ Secondary Phone: _____
Primary E-mail: _____ Secondary E-mail: _____

Establishment Information:

Establishment Name & Permit #: _____
Establishment Address: _____
Primary Phone: _____ Secondary Phone: _____
Primary E-mail: _____ Secondary E-mail: _____
Website: _____

Applicant Information (if not the owner):

Applicant Name: _____
Applicant Address: _____
Primary Phone: _____ Secondary Phone: _____
Primary E-mail: _____ Secondary E-mail: _____

Type of Variance (check all that apply):

- ☐ Variance to the Hays County Food Establishment Regulations
☐ Variance to Title 25 of the Texas Administrative Code, Chapter 228 and/or 229
☐ Variance to the Hays County Development Services Fee Schedule

Variance Justification:

All variance requests must be accompanied by the section of current Regulation(s) being appealed and the reason sought for the variance. Please fill out the below section, attaching any additional sheets needed to support the reason sought for the variance.

Chapter / Section of regulation being appealed	Reason for Variance (A brief explanation of how potential public health hazards and nuisances addressed by the Code sections will be alternatively addressed by the proposal.)

Required Document

1. Hazard Analysis and Critical Control Point (HACCP) Plan (if required by the Food Code as specified under ¶ 8-201.13(A) that includes the information specified under § 8-201.14 as it is relevant to the variance requested).
2. Standardized Procedures (if applicable or not found in the HACCP Plan)

Acknowledgement:

I hereby certify that I have submitted an application in compliance with the Hays County Food Establishment Regulations and other applicable local, state, and federal laws. I understand this Request Form will not be acted upon unless a completed application currently exists with Hays County Development Services. Submittal of this Request form without an existing application may result in immediate denial.

Owner's / Applicant's Certification:

I hereby certify that I have carefully read and completed this Request Form. All information is true and correct to the best of my knowledge. I hereby agree to comply with all provisions of local, state, and federal laws whether they are herein specified or not. As the Owner of the above-mentioned property or a duly authorized Applicant, I hereby grant permission to the County to enter the premises and make all necessary inspection and to take all other actions necessary to review and act upon this request. If not the owner, I attest to have written confirmation from the owner of the property to submit an application and Variance Request Form on his/her behalf.

Date: _____

Print Owner / Applicant Name: _____

Owner / Applicant Signature: _____