

**ORDINANCE 2018-29**

**AN ORDINANCE OF THE CITY OF MEADOWS PLACE, TEXAS, REPEALING SECTIONS 115.01 AND 115.02 OF CHAPTER 115 OF THE CODE OF ORDINANCES AND SUBSTITUTING A NEW SUBSECTION 115.01 AND 115.02 OF CHAPTER 115 OF THE CODE OF ORDINANCES; ADOPTING WITH AMENDMENTS THE 2015 TEXAS FOOD ESTABLISHMENT RULES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Meadows Place, Texas, ("City") desires to adopt regulations for the health, safety, and general welfare of the City; and

**WHEREAS**, to achieve that end, the City Council has adopted the 2006 Texas Food Establishment Rules; and

**WHEREAS**, a 2015 version of the Texas Food Establishment Rules has been published; and

**WHEREAS**, the City Council finds that adopting the 2015 Texas Food Establishment Rules will promote the health, safety, and general welfare of the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEADOWS PLACE, TEXAS:**

**Section 1.** That the facts found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** Section 115.01 and 115.02 of Chapter 115 of the Code of Ordinances of the City of Meadows Place, Texas is repealed and a new Section 115.01 and 115.02 of Chapter 115 of the Code of Ordinances of the City of Meadows Place, Texas is added to provide as follows:

*"§115.01 State Rules on Food Service Sanitation Adopted.*

The City of Meadows Place, Texas, ("city") adopts the 2015 Edition of the Texas Food Establishment Rules (TFER) as published by the Texas Department of State Health Services, Division for Regulatory Services, Environmental and Consumer Safety Section, Policy, Standards, and Quality Assurance Unit, Public Sanitation and Retail Food Safety Group, a copy of which has been filed with the city, save and except those section(s) amended in § [115.02](#). The words "regulatory authority" shall mean the City of Meadows Place. If any provision of this chapter conflicts with the rules and regulations contained in the TFER, the more stringent provision shall control.

*§115.02 Amendments to State Rules on Food Service Sanitation.*

*The Texas Food Establishment Rules adopted in §115.01 are amended as follows:*

*228.2 Definitions. The following definitions apply in the interpretation and application of this Code:*

*(57) Food Establishment -*

(D) food establishment does not include an establishment that offers only prepackaged foods that are not time I temperature controlled for safety food, a produce stand that only offers whole, uncut fruits and vegetables, a food processing plant, a cottage food industry, an area where cottage food is prepared, sold or offered for human consumption, a Bed and Breakfast Limited facility as defined in these rules, or a private home that receives catered or home-delivered food.

(E) Includes a food processing plant, a child care center (daycare), or a warehouse holding and/or distributing food, whether for TCS food or non-TCS food.

(143) Temporary Food Establishment. A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. A farmer's market is defined as a temporary food service establishment, but may operate for one year with a valid permit.

228.221 Mobile Food Units.

(a) Mobile Food Unit provisions.

(2) Restricted Operation. Mobile Food Units will be permitted only on public or private property in conjunction with a temporary event. The operator of said Mobile Food Unit must first. i) obtain a Temporary Food Establishment Permit from the regulatory authority, and ii) obtain written permission from the property owner or lawful tenant for placement of the Mobile Food Unit on said property, Mobile Food Units that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this Chapter, or beverages that are non-time/temperature controlled for safety (NTCS) food and are dispensed from covered urns or other protected equipment, need not comply with the requirements of

these rules pertaining to the necessity of water and sewage system nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils of the required equipment for cleaning and sanitization exists at its central preparation facility.

(4) Initial permitting requirements. The mobile unit must be totally operable at time of inspection, including but not limited to handwash/warewash facilities, refrigeration and wastewater disposal. The regulatory authority shall require a Mobile Food Unit to provide the following documentation at least 15 days prior to the event:

- (A) Certified Food Manager Certification.
- (B) Central Preparation Facility Authorization (if required). A signed letter of authorization is required. to verify facility use. if the Central Preparation Facility is not owned by the mobile unit operator.
- (C) Central Preparation Facility Inspection Report. A copy of the most current health inspection of the central preparation facility must be maintained on the mobile unit at all times.
- (D) Servicing Area Authorization. A signed letter of authorization may be required by the regulatory authority to verify service area use. if the servicing area is not owned by the mobile unit operator.
- (E) Menu of all food items to be sold.
- (F) A floor plan of the mobile unit showing all of the internal and external equipment that has been added to the vehicle for the purpose of Mobile Vending submitted as a part of the temporary food permit submittal.”

**Section 3.** A copy of the 2015 Texas Food Establishment Rules shall be maintained by the City. If a provision of said code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the City, the provision which establishes the higher standard for the promotion of health and safety shall control.

**Section 4. Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

**Section 5. Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Meadows Place, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6. Repeal.** All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

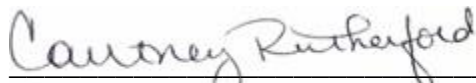
**Section 7. Effective date.** This Ordinance shall become effective when published as required by law.

**PASSED, APPROVED, and ADOPTED** this the 25<sup>th</sup> day of September, 2018.



Charles D. Jessup, IV, Mayor

**ATTEST:**



Courtney Rutherford, City Secretary

