

Memorandum



CITY OF DALLAS

DATE February 19, 2016
TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough
SUBJECT **Consumer Health Update – Proposed Amendments to Chapter 17 (Food Establishments)**

On Monday, February 22, 2016, you will be briefed on Consumer Health Update – Proposed Amendments to Chapter 17 (Food Establishments).

A copy of the briefing is attached for your review.

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Eric D. Campbell, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Consumer Health Update - Proposed Changes to Chapter 17 - Food Establishments

Quality of Life &
Environment Committee
February 22, 2016

Dallas **Code** Compliance, **what it all means**
COMMUNITY



Purpose

- Approval of changes to Chapter 17-Food Establishments as a result of changes to the Texas Food Establishment Regulations (TFER)
- Review staff recommended changes to Chapter 17 – Food Establishments
 - Allow “grandfather status” to existing establishment
 - Proposed changes apply to new facility or extensive remodel to existing facility

Texas Food Establishment Rules (TFER)

Texas Food Establishment Rules

- The State of Texas changed the Texas Food Establishment Rules (TFER) effective October 11, 2015
- The new rules expand definitions and add new requirements

Texas Food Establishment Rules

- Changed chapter references from §229 to §228
- Reporting requirements based on 2013 FDA Model Food Code
- Draft ordinance provided in Appendix A (staff proposed changes in *italics*)
- TFER
[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=228](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=228)

Texas Food Establishment Rules

		Notable Changes
A.	Management & Personnel	Certified Food Service Manager (CFM) required on site for each licensed establishment
		CFM certificate posted in conspicuous location
		All food employees shall successfully complete food handler training course within 60 days of employment - effective September 1, 2016
		Food handler certificates must be on site
B.	Physical Facilities	Outdoor servicing areas now require overhead protection

Texas Food Establishment Rules

	Notable Changes	
C.	Food	Expanded definition for preventing contamination from bare hand contact
		Eliminated references to Potentially Hazardous Foods (PHFs) & replaced with Time/Temperature Control for Safety (TCS)
D.	Self-Service Markets	New article that applies to self-service food markets and micro-markets
		Video Surveillance tapes required for a period of fourteen (14) calendar days



Texas Food Establishment Rules

	Notable Changes	
E.	Poisonous or Toxic Materials	First aid kit required in food establishments
F.	Mobile Food Establishment	Mobile Food Units must be readily moveable at license renewal*
		Restrooms must be conveniently located and accessible to employees during all hours of operation*
G.	Temporary Food Establishment	Food not prepared on site must be prepared at a licensed food establishment*
H.	Compliance and Enforcement	New language requiring regulatory authority to periodically inspect temporary food establishments*

**Existing requirement in Dallas City Code*

Texas Food Establishment Rules

	Notable Changes	
I.	Bed & Breakfast Extended Establishments	Added Certified Food Service Manager (CFM) requirement
J.	Outfitter Operations	Added Certified Food Service (CFM) Manager requirement
K.	Heimlich Maneuver Poster	No longer required per TFER however staff recommends keeping this requirement in City Code

Staff Recommended Changes to Chapter 17 - Food Establishments

Chapter 17 - Food Establishments

No.	Code Reference	Proposed Change	Why?
1.	Management & Personnel	Change the expiration date of Certified Food Service Manager from two years to five years after date of issuance	<i>Provides consistency with other providers</i>
		No annual fee change required	
2.	Water, Plumbing and Waste	“A hand wash sink shall be installed within 25 linear feet of a food preparation area”	<i>Encourage frequent hand washing</i>
		Current City Code does not specify location	

Chapter 17 - Food Establishments

No.	Code Reference	Proposed Change	Why?
3.	Water, Plumbing and Waste	<p>“A food establishment shall locate grease traps / interceptors so that they are easily accessible for cleaning and outside the food establishment area”</p>	<p><i>Increases accessibility for cleaning</i></p>
		<p>Current City Code allows interior location provided the liquid lid is flush to the floor</p>	
		<p>Exception provided to food locations inside an office building</p>	

Chapter 17 - Food Establishments

No.	Code Reference	Proposed Change	Why?
4.	Physical Facilities	Locate equipment that is used as a work surface near a floor drain for proper cleaning and not in the food prep areas	<i>Increases accessibility for cleaning</i>
5.		Maintain unobstructed aisles between equipment of width to permit passage without causing contamination of food	<i>Prevents contamination from "bumping" into food & utensils due to lack of space</i>

Chapter 17 - Food Establishments

No.	Code Reference	Proposed Change	Why?
6.	Physical Facilities	Not allow auxiliary equipment (water heater, laundry machine, air conditioner, etc.) that is not food service related inside the food preparation areas unless authorized by law	<i>Prevents contamination from dust producing equipment</i>
7.		Position all readily movable storage equipment to provide accessibility to working areas	<i>Increases accessibility for cleaning</i>
8.		Locate equipment such as an ice maker and ice storage equipment inside a food service or food preparation area	<i>Prevents contamination from exposed or unprotected water lines</i>

Chapter 17 - Food Establishments

No.	Code Reference	Proposed Change	Why?
9.	Mobile Food Establishment	Vehicle liability insurance requirement prior to scheduling a permit inspection	<i>Applicant must provide proof of insurance – places responsibility on the permit holder and expedites the permit process</i>
10.		Permit holder must ensure that the driver of the vehicle has a current license issued by the State of Texas	
11.		Push carts must be stored inside the commissary location when not in operation	<i>Prevents cart owners from storing carts outside – exposed to the elements</i>

Next Steps

- Today - Input from Quality of Life & Environment Committee
- Discuss staff recommended changes with the Greater Dallas Restaurant Association
- Public feedback link on www.dallascityhall.com
- Return to Quality of Life & Environment Committee for final recommendation on March 28, 2016

Exhibits

Appendix A – Draft Ordinance

Appendix B – Executive Summary of Changes to
TFER Purpose & Definition

Consumer Health Update - Proposed Changes to Chapter 17 - Food Establishments

Quality of Life &
Environment Committee
February 22, 2016

Dallas **Code** Compliance, **what it all means**
COMMUNITY



The Dallas City Code

CHAPTER 17 FOOD ESTABLISHMENTS

ARTICLE I.

FOOD ESTABLISHMENTS GENERALLY.

- Sec. 17-1.1. Purpose.
- Sec. 17-1.2. Cooperation among departments.
- Sec. 17-1.3. General authority and duty of the director, city health authority, and environmental health officer.
- Sec. 17-1.4. Chapter cumulative.
- Sec. 17-1.5. Definitions.
- Sec. 17-1.6. Defenses for certain types of activities.

ARTICLE II.

MANAGEMENT AND PERSONNEL.

- Sec. 17-2.1. Adoption of **Chapter 228, Subchapter B** ~~Section 229.163~~, Texas Food Establishment Rules.
- Sec. 17-2.2. Additional requirements.

ARTICLE III.

FOOD.

- Sec. 17-3.1. Adoption of **Chapter 228, Subchapter C** ~~Section 229.164~~, Texas Food Establishment Rules.
- Sec. 17-3.2. Additional requirements.

ARTICLE IV.

EQUIPMENT, UTENSILS, AND LINENS.

- Sec. 17-4.1. Adoption of **Chapter 228, Subchapter D** ~~Section 229.165~~, Texas Food Establishment Rules.
- Sec. 17-4.2. Additional requirements.

ARTICLE V.

WATER, PLUMBING, AND WASTE.

- Sec. 17-5.1. Adoption of **Chapter 228, Subchapter E** ~~Section 229.166~~, Texas Food Establishment Rules.
- Sec. 17-5.2. Additional requirements.

ARTICLE VI.

PHYSICAL FACILITIES.

- Sec. 17-6.1. Adoption of **Chapter 228, Subchapter F** ~~Section 229.167~~, Texas Food Establishment Rules.
- Sec. 17-6.2. Additional requirements.

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

- Sec. 17-7.1. Adoption of **Chapter 228, Subchapter G** ~~Section 229.168~~, Texas Food Establishment Rules.
- Sec. 17-7.2. Additional requirements.

ARTICLE VIII.

MOBILE FOOD ESTABLISHMENTS.

- Sec. 17-8.1. Adoption of **Chapter 228, Subchapter H, 221** ~~Section 229.169~~, Texas Food

Establishment Rules.

Sec. 17-8.2. Additional requirements.

ARTICLE IX.

TEMPORARY FOOD ESTABLISHMENTS AND CATERING SERVICES.

Sec. 17-9.1. Adoption of Chapter 228, Subchapter H, 222 ~~Section 229.170~~, Texas Food Establishment Rules.

Sec. 17-9.2. Requirements for temporary food establishments.

Sec. 17-9.3. Requirements for catering services.

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

Sec. 17-10.1. Adoption of Chapter 228, Subchapter I ~~Section 229.171~~, Texas Food Establishment Rules.

Sec. 17-10.2. Additional requirements.

ARTICLE XI.

Self Service Food Market ~~HEIMLICH MANEUVER POSTER.~~

Adoption of Chapter 228, Subchapter H, Rule 225

Sec. 17-11.1. Adoption of Chapter 228, Subchapter H, Rule 225 ~~Section 229.173~~, Texas Food Establishment Rules.

Sec. 17-11.2. Additional requirements.

ARTICLE XII.

BED AND BREAKFAST EXTENDED ESTABLISHMENTS.

Sec. 17-12.1. Adoption of Chapter 228, Subchapter H, 223 ~~Section 229.174~~, Texas Food Establishment Rules.

Sec. 17-12.2. Additional requirements.

ARTICLE XIII.

OUTFITTER OPERATIONS.

Sec. 17-13.1. Adoption of Chapter 228, Subchapter H, 224 ~~Section 229.175~~, Texas Food Establishment Rules.

Sec. 17-13.2. Additional requirements.

ARTICLE I.

FOOD ESTABLISHMENTS GENERALLY.

SEC. 17-1.1. PURPOSE.

The purpose set forth in Chapter 228, Subchapter A, 228.1 ~~Section 229.161~~ of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

SEC. 17-1.2. COOPERATION AMONG DEPARTMENTS.

The regulation of food establishments is a complex task that may involve various fields of enforcement and administration; accordingly, cooperation among city departments to provide effective regulation is encouraged. (Ord. 26023)

SEC. 17-1.3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR, CITY HEALTH AUTHORITY, AND ENVIRONMENTAL HEALTH OFFICER.

In accordance with state law the director, city health authority, or environmental health officer, or an officer or employee designated by the director, city health authority, or environmental health officer, may enforce any city ordinance applicable to a food establishment. The director, city health authority, or environmental health officer may also enforce a state or federal statute or regulation applicable to a food establishment operating within the city if that enforcement is not contrary to law. The director, city health

authority, or environmental health officer shall implement and enforce this chapter. (Ord. 26023)

SEC. 17-1.4. CHAPTER CUMULATIVE.

The provisions of this chapter and other city ordinances are cumulative law, and this chapter does not prevent enforcement of another city ordinance that regulates an area covered by this chapter and is otherwise applicable. (Ord. 26023)

SEC. 17-1.5. DEFINITIONS.

(a) The definitions set forth in **Chapter 228, Subchapter A, 228.2** ~~Section 229.162~~ of the Texas Food Establishment Rules are hereby adopted and made a part of this chapter by reference, except that the definitions for "adulterated food," "~~child-care center,~~" "department," "food establishment," "mobile food establishment," "permit," "person in charge," "premises," "pushcart," "regulatory authority," "roadside food vendor," and "temporary food establishment" contained in **Chapter 228, Subchapter A, 228.2** ~~Section 229.162~~ are not adopted.

(b) In addition to the definitions adopted in **Chapter 228, Subchapter A, 228.2** ~~Subsection (a)~~, the following terms have the following meanings in this chapter:

(1) ADULTERATED means the condition of food that:

(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health;

or

(B) contains an added poisonous or deleterious substance:

(i) for which no safe tolerance has been established or accepted by a governmental agency; or

(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or

(C) consists in whole or part of a filthy, putrid, or decomposed substance; or

(D) is unsafe for human consumption; or

(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or

(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or

(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or

(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.

(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment; and

(B) a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

(6) FOOD ESTABLISHMENT:

(A) The term means an operation that:

(i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

(C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not **Time/Temperature Control for Safety** ~~potentially hazardous~~, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

(7) **MOBILE FOOD ESTABLISHMENT** means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

(8) **NON-FOOD CONTACT SURFACE** means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.

(9) **PERMIT** means the document issued by the department that authorizes a person to operate a food establishment.

(10) **PERSON IN CHARGE** means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(11) **PREMISES** means:

(A) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or

(B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.

(12) **RECONSTITUTED** means the recombining of dehydrated food products with water or other liquids.

(13) **REGULATORY AUTHORITY** means the director.

(14) **SAFE TEMPERATURE** means a temperature of not more than 41 degrees Fahrenheit (5 degrees Centigrade) or not less than 140 degrees Fahrenheit (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

(15) **SEAL** means to close the junction between surfaces in a way that prevents entry of moisture.

(16) **TEMPORARY FOOD SERVICE ESTABLISHMENT** means:

(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:

- (i) a plaza event for which a permit has been issued by the city under Chapter 35;
- (ii) a special event for which a permit has been issued by the city under Chapter 42A;
- (iii) a special event conducted with written permission of the city on property under the control of

the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "municipal produce market" as defined in Section 29-3 of this code;

(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;

(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale;

(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or

(vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or

(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.

(17) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in 25 Texas Administrative Code, **Chapter 228 (effective date October 11, 2015)** ~~Chapter 229, Subchapter K (effective date March 15, 2006)~~. (Ord. Nos. 26023; 26556; 28046)

SEC. 17-1.6. DEFENSES FOR CERTAIN TYPES OF ACTIVITIES.

(a) It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was:

(1) conducting food operations that are licensed, and inspected at least once a year, under federal or state law (as illustrated by, but not limited to, milk producers, day care facilities, nursing homes, and meat processors);

(2) selling, distributing, transporting, or storing a raw agricultural commodity (including, but not limited to, raw vegetables and fruit, and pure honey) by the original producer, provided that the sale, distribution, transportation, or storage is on property owned or leased by the original producer;

(3) selling, distributing, or serving food at an event, party, or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds at or for the event, or participation by the general public in the event;

(4) conducting the retail sale or distribution of non-**Time/Temperature Control for Safety** ~~potentially hazardous~~ food from a fixed facility if the food is acquired and sold or distributed in cans, bottles, or other prepackaged containers that are not opened before obtained by a consumer, and no food manufacturing, processing, or preparing operations are conducted at the facility; or

(5) serving or distributing food, without charge, to homeless individuals on public or private property, provided that the person:

(A) sent a notice within the time required by subparagraph (B) to the director (by United States mail, facsimile, electronic mail to the addresses or numbers provided by the director, via the City's 311 call center, or on the City's Code Compliance Department's website at

www.dallascityhall.com/code_compliance/index.html) containing the following information:

(i) the name of the individual or organization that was or will be serving or distributing food to the homeless;

(ii) the date or dates when food was or will be served or distributed to the homeless;

(iii) the times of day when food service and distribution is anticipated to or did begin and end on each date listed in the notice;

(iv) the street address or addresses of where food was or is anticipated to be served or distributed to the homeless or, if the location has no street address, then a description of the location by street block number

or by naming the nearest intersecting streets; and

(v) the approximate or expected number of food preparers and servers on the site where the food was or will be served or distributed and the approximate or expected number of individuals that were or will be served, provided the number of individuals that were or is anticipated to be served exceeds 75 at a single location;

(B) sent the notice required in subparagraph (A) at least 24 hours before the service or distribution of food to the homeless will commence, if it is anticipated that more than 75 people will be served, or within 48 hours after the service or distribution of food to the homeless has concluded, if it is anticipated that 75 or fewer people will be served at a single location;

(C) if the person is an individual, had attended a free city-sponsored food safety training class within the 24 months preceding the service or distribution of food to the homeless or, if the person is an organization, had at least one person who has attended a free city-sponsored food safety training class or has taken the class to become a certified food handler in the State of Texas within the 24 months preceding the service or distribution of food to the homeless present at all times when food was being served or distributed to the homeless, although this requirement applies only so long as the city sponsors a free food safety training class at least once during each three month period during a calendar year;

(D) did not serve or distribute time/temperature control for safety (TCS) ~~potentially hazardous~~ food to the homeless, unless the food has been stored at a temperature of:

- (i) 41° F. (5° C.) or below; or
- (ii) 135° F. (57° C.) or above;

(E) transported the food in a clean conveyance and, if the food was TCS ~~potentially hazardous food~~ as that phrase is defined in the Texas Food Establishment Rules, as amended, 25 TAC § 228 ~~229.161~~ et seq., served or distributed it within four hours after preparation;

(F) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:

- (i) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;
- (ii) disposable gloves; or
- (iii) hand washing equipment that included at a minimum:
 - (aa) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from hand washing; and
 - (bb) soap and individual paper towels;

(G) properly disposed of any wastewater generated from any hand washing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the storm water drainage system; and

(H) brought a sufficient number of trash bags to dispose of the solid waste generated by the food provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained.

(b) Compliance with the requirements of Section 17-1.6(a)(5) only serves as a defense to prosecution for a violation of Chapter 17 of this code and is not a defense to prosecution for any violation that is committed under any other chapter of this code, any other city ordinance, or any state or federal law. (Ord. Nos. 26023; 26556; 29595)

ARTICLE II. MANAGEMENT AND PERSONNEL.

SEC. 17-2.1. ADOPTION OF Chapter 228, Subchapter B ~~SECTION 229.163,~~ TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter B ~~Section 229.163~~ of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter B, 228.32 and 228.38 (c) ~~Subsections (b) and (g) of Chapter 228 Section 229.163~~ are not adopted. (Ord. Nos. 26023; 26556)

SEC. 17-2.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-2.1 of this chapter, the requirements contained in this section govern the management and personnel of food establishments.

(b) Demonstration of knowledge by person in charge of a food establishment. Based on the risks of foodborne illness inherent to the food operation, the person in charge shall, during inspections and upon request, demonstrate to the director knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this chapter. The person in charge shall demonstrate this knowledge by compliance with this chapter, by being a registered food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program and by responding correctly to the inspector's questions as they relate to the specific food operation. The person in charge may demonstrate such knowledge by:

- (1) describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
- (2) explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
- (3) describing the symptoms associated with the diseases that are transmissible through food;
- (4) explaining the significance of the relationship between maintaining the time and temperature of time/temperature control for safety (TCS) ~~potentially hazardous~~ food and the prevention of foodborne illness;
- (5) explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- (6) stating the required food temperatures and times for safe cooking of TCS ~~potentially hazardous~~ food including meat, poultry, eggs, and fish;
- (7) stating the required temperatures and times for safe refrigerated storage, hot holding, cooling, and reheating of TCS ~~potentially hazardous~~ food;
- (8) describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - (A) cross-contamination;
 - (B) hand contact with ready-to-eat foods;
 - (C) handwashing; and
 - (D) maintaining the food establishment in a clean condition and in good repair;
- (9) explaining the relationship between food safety and providing equipment that is:
 - (A) sufficient in number and capacity; and
 - (B) properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (10) explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (11) identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (12) identifying poisonous and toxic material in the food establishment and the procedures necessary to

ensure that they are safely stored, dispensed, used, and disposed of according to law;

(13) identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this chapter;

(14) explaining the details of how the person in charge and food employees comply with the Hazard Analysis Critical Point (HACCP) plan (if a plan is required by the law), the Texas Food Establishment Rules, and this chapter; and

(15) explaining the responsibilities, rights, and authorities assigned by this chapter to:

- (A) the food employee;
- (B) the person in charge; and
- (C) the director.

(c) Registered food service managers.

(1) Registered food service managers required.

(A) A food establishment shall employ at least one person who:

(i) is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service; and

(ii) has a valid and current food service manager registration issued by the director.

(B) A food establishment must comply with the requirements of Section 17-2.2(c) before being issued an operating permit.

(C) One registered food service manager in a supervisory capacity may serve up to four food establishments contained within the same building and under the same ownership and same management.

(D) A food establishment shall have one registered food service manager employed and present in the establishment during all hours of operation, except that a registered food service manager serving multiple food establishments as authorized by Section 17-2.2(c)(1)(C) must only be present in the building in which the food establishment is located during all hours of operation.

(E) A food establishment that serves, sells, or distributes only prepackaged foods and non-**time/temperature control for safety** ~~potentially hazardous~~ beverages, and a temporary food service establishment that is in operation fewer than four consecutive calendar days, are exempt from Section 17-2.2(c)(1).

(2) Registered food service manager replacement. If a food establishment cannot meet the requirements of Section 17-2.2(c)(1) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

(A) notify the director, in writing, within 10 days after the effective date of the termination or permanent transfer of the registered food service manager; and

(B) employ another registered food service manager within 45 days after the effective date of the termination or permanent transfer of the previous registered food service manager.

(3) Registration of food service managers.

(A) The director shall issue a food service manager registration to any person who submits the required application on a form provided by the director, pays to the city the fee required by Section 17-2.2(c)(6), and provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.

(B) During those times a registered food service manager is on duty at a food establishment, the registered food service manager must possess evidence of registration.

(C) A food service manager registration is not transferable from one person to another.

(D) Unless sooner revoked by the director, a food service manager registration issued under this article will expire **five years** ~~two years~~ **after the date of issuance. The expiration date on the City issued manager**

certificate cannot exceed the expiration date on the certificate issued by the provider organization.

(4) **Renewal of food service manager registration.** The director shall renew a food service manager registration if the applicant:

- (A) submits an application for renewal within 30 days before expiration of the current food service manager registration;
- (B) pays to the city the fee required by Section 17-2.2(c)(6);
- (C) provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department; and
- (D) provides evidence that within the six months prior to submitting the application for renewal the applicant has:
 - (i) attended a food service manager refresher training course approved by the director; or
 - (ii) received a passing score on a national examination for certification of food service managers that meets requirements of the United States Food and Drug Administration.

(5) **Denial or revocation of food service manager registration.**

(A) The director may refuse to issue or renew a food service manager registration or may revoke a food service manager registration if the applicant or holder:

- (i) has been convicted of interfering with the lawful inspection of a food establishment;
- (ii) makes a false statement of material fact in the application for registration or renewal of registration; or
- (iii) fails to show proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.

(B) An applicant for or a holder of a food service manager registration may, in accordance with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a registration or to revoke a registration.

(6) **Food service manager registration fees.** An applicant shall pay a nonrefundable fee of \$20 **per year for a maximum of five years** for a food service manager registration. The fee for replacing a lost, stolen, or damaged certificate of registration is \$11.

(7) **Display of certificate of registered food service manager.** A food service establishment shall display the original certificate of each primary registered food service manager employed by the establishment. Each certificate must be displayed in a glass-covered frame at a location where it is easily visible to the public.

~~(d) **Food handlers.** **Entire section deleted because TFER Chapter 228, Subchapter B, 228.33 (d) requires that all food service employees take a food handler class within 60 days of employment.**~~

~~(1) **Food establishments for which food handler certification is mandatory.** Section 17-2.2(d) is only mandatory for the following food establishments:~~

- ~~(A) Any food establishment scoring 70 or below, out of a possible 100 points, on an inspection conducted under this chapter.~~
- ~~(B) Any food establishment scoring from 71 to 79, out of a possible 100 points, on a reinspection~~

~~conducted under this chapter during which a critical violation is found.~~

~~(C) Any food establishment in which the same critical violation is found twice within any 12 month period during inspections conducted under this chapter.~~

~~(D) Any food establishment that has had a confirmed foodborne illness.~~

~~(E) Any mobile food establishment described in Section 17-8.2(b) of this chapter that prepares or serves non-prepackaged potentially hazardous food.~~

~~(2) **Food handler certificate required.**~~

~~— (A) A person who owns, manages, or otherwise controls any food establishment described in Section 17 2.2(d)(1) (including but not limited to a fixed facility, a catering service, a mobile food preparation vehicle, a general service mobile food establishment, or a temporary food establishment operating for a duration of four or more consecutive days) shall not permit any person to be employed in the establishment who:~~

- ~~— (i) will perform work that requires the handling of food, utensils, or food service equipment; and~~
- ~~— (ii) does not hold a valid food handler certificate issued under Section 17 2.2(d) within 45 days after:~~
 - ~~— (aa) the date of employment by a food establishment described in Section 17 2.2(d)(1), for a new employee; or~~
 - ~~— (bb) the date the food establishment receives notice from the director that food handler certification is required because the establishment falls under Section 17 2.2(d)(1), for an existing employee.~~

~~— (B) A food establishment described in Section 17 2.2(d)(1) shall maintain on the premises a food handler certificate for each employee whose work requires the handling of food, utensils, or food service equipment, and shall make each certificate available for inspection upon the director's request.~~

~~— (3) Food handler certificate application; issuance; expiration; nontransferability.~~

~~— (A) The director shall issue a food handler certificate to any person who submits the required application, pays to the city the fee required by Section 17 2.2(d)(5), and meets all of the following requirements:~~

- ~~— (i) Provides evidence that the person has either:~~
 - ~~— (aa) viewed a video on sanitary food handling as approved by the director; or~~
 - ~~— (bb) attended a sanitary food handling presentation by the city of Dallas as approved by the director.~~

~~— (ii) Is not infected with a disease in a communicable form that can be transmitted by foods.~~

~~— (iii) Is not a carrier of any organism that causes a disease that can be transmitted by foods.~~

~~— (iv) Does not have a boil, an infected wound, or an acute respiratory infection.~~

~~— (B) Unless sooner revoked by the director, a food handler certificate expires two years after the date of issuance and may be renewed by submitting an application in compliance with Section 17 2.2(d)(3)(A).~~

~~Renewal is not required unless the person's work requires the handling of food, utensils, or food service equipment at a food establishment that has been notified by the director within the preceding two years that food handler certification is required because the establishment falls under Section 17 2.2(d)(1).~~

~~— (C) A food handler certificate is not transferable from one person to another.~~

~~— (4) Denial or revocation of a food handler certificate.~~

~~— (A) The director may refuse to issue or renew a food handler certificate or may revoke a food handler certificate if the applicant or holder:~~

- ~~— (i) is not qualified for a certificate under Section 17 2.2(d)(3);~~
- ~~— (ii) fails to provide medical confirmation when required under Section 17 2.2(d)(4)(B);~~
- ~~— (iii) has been convicted of interfering with the lawful inspection of a food establishment; or~~
- ~~— (iv) makes a false statement of material fact in an application for issuance or renewal of a food handler certificate.~~

~~— (B) If the director suspects that an applicant or holder is not qualified for a food handler certificate under Section 17 2.2(d)(3)(A)(ii), (iii), or (iv), the director may require the holder or applicant to produce medical confirmation by a physician that the applicant or holder is qualified for a food handler certificate under those provisions.~~

~~— (C) If the director denies issuance or renewal of a food handler certificate, or revokes a food handler certificate, the director shall notify the applicant or holder in writing by personal service or regular United States mail. The notice must include the grounds for denial or revocation and a statement informing the~~

applicant or holder of the right to appeal the decision. A copy of the notice must also be given to the food establishment in accordance with Section 17-10.2(n).

- (D) ~~An applicant for or a holder of a food handler certificate may, in accordance with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a certificate or to revoke a certificate.~~
- (5) ~~Food handler certification fees.~~ An applicant shall pay a nonrefundable fee of \$55 for a food handler certificate. The fee for replacing a lost, stolen, or damaged certificate is \$11.
- (6) ~~Exemption.~~ A person holding a current and valid food service manager registration issued by the director under Section 17-2.2(e) is exempt from the requirements to obtain a food handler certificate. (Ord. Nos. 26023; 26598; 27353; 27695; 28488; 29177)

ARTICLE III. FOOD.

SEC. 17-3.1. ADOPTION OF Chapter 228, Subchapter C, SECTION 229.164, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter C Section 229.164 [including Figure 1: 25 TAC § 228.71(a)(1)(B) 229.164(k)(1)(A)(ii), Figure 2: 25 TAC § 228.71(a)(2)(A) 229.164(k)(1)(B)(i), and Figure 3: 25 TAC § 228.71(a)(2)(B) 229.164(k)(1)(B)(ii)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter C, 228.65(a) Section 229.164(e) is not adopted. (Ord. 26023)

SEC. 17-3.2. ADDITIONAL REQUIREMENTS.

- (a) In addition to the requirements adopted in Section 17-3.1 of this chapter, the requirements contained in this section govern food at food establishments.
- (b) Preventing contamination by employees.
- (1) Preventing contamination from hands.
- (A) Food employees shall wash their hands as specified under Chapter 228.38(a) Section 229.163(e) of the Texas Food Establishment Rules (relating to management and personnel).
- (B) Except when washing fruits and vegetables as specified in Chapter 228.66(e) Section 229.164(f)(6) of the Texas Food Establishment Rules, food employees shall avoid contact of exposed ready-to-eat food with their bare hands by use of suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.
- (C) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (2) Preventing contamination when tasting. A food employee may not use a utensil more than once to taste food that is to be sold or served.
- (c) Preventing contamination from the premises.
- (1) Food storage.
- (A) Except as specified in Section 17-3.2(c)(1)(B) and (C), food must be protected from contamination by storing the food:
- (i) in a clean, dry location;
 - (ii) where it is not exposed to splash, dust, or other contamination; and
 - (iii) at least 15 centimeters (6 inches) above the floor.
- (B) Food in packages and working containers may be stored less than 15 centimeters (6 inches) above the floor on case lot handling equipment as specified under Chapter 228, Subchapter C, 228.106(v) Section 229.165(f)(22) of the Texas Food Establishment Rules.
- (C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(2) Food storage, prohibited areas. Food may not be stored:

- (A) in locker rooms;
- (B) in toilet rooms;
- (C) in dressing rooms;
- (D) in garbage rooms;
- (E) in mechanical rooms;
- (F) under sewer lines that are not shielded to intercept potential drips;
- (G) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) under open stairwells; or
- (I) under other sources of contamination.

(d) Outside distribution of **time/temperature control for safety (TCS)** potentially hazardous food. A food establishment that serves, sells, or distributes **TCS** potentially hazardous food outside the premises of a fixed facility must maintain the food at a safe temperature.

(e) Outdoor bars.

(1) An outdoor bar is a food establishment that prepares and serves only beverages at a location not completely housed inside a fixed facility.

(2) An outdoor bar is in compliance with Sections 17-3.1 and 17-3.2 if:

- (A) the director finds that the outdoor bar will not result in a health or safety hazard or nuisance; and
- (B) the outdoor bar is either:
 - (i) limited to a single, fixed structure; or
 - (ii) meets the requirements of this chapter pertaining to a general service mobile food establishment;

and

(C) the outdoor bar complies with all other requirements of this chapter.

(3) An outdoor bar in compliance with Section 17-3.2(e)(2)(B)(i) must:

- (A) have overhead protection of a suitable material that:
 - (i) completely covers the food preparation area;
 - (ii) extends at least 18 inches beyond the edge of the service counter; and
 - (iii) if the overhead protection extends to or beyond the edge of a swimming pool, is guttered to prevent the drainage of rainwater into the swimming pool;

(B) have service counters, walls, partitions, and doors constructed and finished to impede the entrance of rodents;

(C) store and dispense utensils, single service articles, and bar condiments and other unpackaged food only in containers with sealed, self-closing doors;

(D) dispense ice only from automatic ice dispensers or from containers with sealed, self-closing doors;

(E) provide only single service articles for use by the consumer; and

(F) store food (including beverages), utensils, and single service articles in cabinets that are sealed to adequately protect the stored items from contamination by dust, water, insects, and rodents during the times the outdoor bar is not open for business.

(f) Labeling of foods. Bulk, unpackaged foods that are apportioned to consumers with the assistance of food establishment personnel, including bakery products, need not be labeled if:

(1) a health or nutrient content claim, or other claim, is not made;

(2) the food is manufactured or prepared on the premises of the food establishment that is owned by the same person and is licensed by the food regulatory agency that has primary jurisdiction; and

(3) ingredients contained in the food, including potential allergens, are provided to the consumer on request from a recipe book or by other means.

(g) Food transportation.

(1) Transportation. A food establishment that transports food shall:

- (A) comply with the applicable requirements of Section 17-3.2(c) during the transportation of food;
- (B) transport the food in a clean conveyance;
- (C) protect food and utensils from contamination by completely wrapping or packaging, except that foods in original individual packages do not need to be overwrapped or covered if the original package is intact.

(2) Carryout food. A food establishment that prepares food for off premises consumption shall place the food in a sack or closed container, or wrap the food in a way that protects it from adulteration, unless:

- (A) the food is served in an individual serving;
- (B) the food is intended for immediate consumption; and
- (C) it is impracticable to enclose or wrap the food (as illustrated by, but not limited to, a serving of ice cream). (Ord. 26023)

ARTICLE IV. EQUIPMENT, UTENSILS, AND LINENS.

SEC. 17-4.1. ADOPTION OF Chapter 228, Subchapter D SECTION 229.165, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter D Section 229.165 [including Figure 1: 25 TAC § 228.101(c)(1) 229.165(a)(3) and Figure 2: 25 TAC § 228.111(n)(1) 229.165(k)(14)(A)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter D, 228.109(c) Section 229.165(i)(3) is not adopted. (Ord. 26023)

SEC. 17-4.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-4.1 of this chapter, the requirements contained in this section govern equipment, utensils, and linens at food establishments.

(b) Clothes washer and dryer location requirements. If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. Laundry facilities may not be located in food handling areas.

(c) Maintenance of equipment. Equipment shall be maintained in a state of repair and condition that:

- (1) meets the requirements specified in Subchapter D, 228.101(a) and 228.102 Section 229.165(a) and ~~(b)~~ of the Texas Food Establishment Rules; and
- (2) enables the equipment to perform the function for which it is used, intended, or designed. (Ord. 26023)

ARTICLE V. WATER, PLUMBING, AND WASTE.

SEC. 17-5.1. ADOPTION OF Chapter 228, Subchapter E SECTION 229.166, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter E Section 229.166 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter E, 228.143(a), Subchapter E, 228.146(b)(1),(2), and (3), and Subchapter E, 228.147(c) Subsections (e)(3), (f)(2), and (g)(3) of Section 229.166 are not adopted. (Ord. 26023)

SEC. 17-5.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-5.1 of this chapter, the requirements contained in this section govern water, plumbing, and waste at food establishments.

(b) Hot water. Hot water generation and distribution systems must be sufficient to meet the peak hot water

demands throughout the food establishment. Such systems must be of not less than 50-gallon water tank capacity.

(c) Hand washing lavatory, water temperature, and flow.

(1) A hand washing lavatory must be equipped to provide water at a temperature of at least 43 degrees Celsius (110 degrees Fahrenheit) through a mixing valve or combination faucet. **A hand wash sink shall be installed within 25 linear feet of a food preparation area.**

(2) A steam-mixing valve may not be used at a hand washing lavatory.

(3) Self-closing, slow-closing, sensor-closing, or metering faucets are prohibited in food preparation areas.

(d) Service sink. In new or extensively remodeled food establishments, at least one free-standing, stainless steel service sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. (Ord. 26023)

(e) **A food establishment shall locate grease traps/interceptors so that they are easily accessible for cleaning and outside the food establishment, unless otherwise approved by the director. With prior approval of the director, the traps/interceptors may be located inside the food establishment provided the liquid tight lid is flush to the floor and no contamination of food or equipment is possible.**

ARTICLE VI. PHYSICAL FACILITIES.

SEC. 17-6.1. ADOPTION OF Chapter 228, Subchapter F SECTION 229.167, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter F Section 229.167 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter F, 228.172 and 228.173 Subsections (b) and (c) of Section 229.167 are not adopted. (Ord. 26023)

SEC. 17-6.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-6.1 of this chapter, the requirements contained in this section govern the physical facilities of food establishments.

(b) Outdoor areas, surface characteristics.

(1) Walking and driving areas. The outdoor walking and driving areas must be:

(A) surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions; and

(B) graded to prevent pooling.

(2) Exterior surfaces. Exterior surfaces of buildings and mobile food establishments must be of weather-resistant materials and must comply with applicable law.

(3) Storage areas. Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under Chapter 228.152 (a)(b)(c) Section 229.166 (L)(1), (2), and (3) of the Texas Food Establishment Rules, which governs water, plumbing, and waste. Only articles necessary for the operation and maintenance of a food establishment and its exterior may be stored on the premises, but only when the storage does not violate this chapter, other city ordinances, or other applicable law.

(c) Floors, walls, and ceilings.

(1) A food establishment containing a food handling area, food processing area, food preparation area, food storage area, equipment or utensil washing area, walk-in refrigerating unit, dressing room, locker room, toilet room, or vestibule shall:

(A) construct the walls (including non-supporting partitions), and wall covering in these areas of smooth, rigid, non-absorbent, and easily cleanable material that is light in color and not easily torn or punctured, such as fiberglass-reinforced plastic; except that walls in dry storage areas may be finished with a light-colored, oil-based enamel paint that provides a smooth surface;

(B) make the ceiling in these areas light in color and construct it of smooth, non-absorbent, and easily cleanable material or of a lay-in type acoustical material in T- type metal grids that can be easily replaced when the material becomes soiled;

(C) prevent exposed construction in these areas, including but not limited to the exposure of pipes, conduits, ductwork, studs, joists, and rafters;

(D) prevent unnecessary exposure of utility service lines and pipes on floors, walls, and ceilings in these areas, or if exposure is necessary install them in a way that does not obstruct cleaning of floors, walls, and ceilings;

(E) attach light fixtures, vent covers, wall-mounted fans, decorative material, and similar equipment used in these areas, in a manner that permits easy cleaning; and

(F) finish and seal concrete or pumice blocks used for interior wall construction in these areas to provide an easily cleanable surface.

(2) Special requirements for floors. A food establishment shall:

(A) construct floors that are water flushed for cleaning, or that receive discharges of liquid from equipment or pressure sprays, of sealed concrete, terrazzo, ceramic tile, or similar material that is graded to a properly installed trapped floor drain;

(B) cove and seal junctures between walls and floors in new or extensively remodeled establishments and in other cases construct the junctures between walls and floors so that the seam is not greater than 1/32 inch;

(C) use only mats and duckboards that are constructed of nonabsorbent, grease resistant material of a size, design, and construction that permits easy cleaning;

(D) not use duckboards as storage racks;

(E) not use floor carpeting in food preparation areas, food storage areas, equipment and utensil washing areas, or toilet rooms; and

(F) not use sawdust, wood shavings, peanut hulls, or similar material as a floor covering.

(3) Anti-slip floor covering may be used in areas where necessary for safety. Floor carpeting may be used in areas not listed in Section 17-6.2(c)(2)(E) if it is of closely woven construction, properly installed, easily cleanable and in good repair. (Ord. 26023)

(d) Location of Certain Equipment. Food product establishment shall:

(1) locate equipment that is used as a work surface on which food is prepared (as illustrated by, but not limited to, a meat or vegetable cutting block or a baker's table) near a floor drain so that it can be properly cleaned;

(2) maintain unobstructed aisles between equipment of a width to permit passage without a likelihood of causing adulteration of food;

(3) position all readily movable storage equipment (including, but limited to, pallets, racks, and dollies) to provide accessibility to working areas;

(4) locate an ice machine, if used, inside a food service or food preparation area;

(5) not locate equipment (including, but limited to, ice makers and ice storage equipment) under exposed or unprotected sewer lines or water lines, open stairwells, or near other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads.

(e) Auxiliary equipment:

(1) A food product establishment shall not locate equipment that is not food service equipment

(as illustrated by, but not limited to, a water heater, laundry machine, remote connected refrigerator compressor, or air conditioner) inside a food preparation area unless an installation inside that area is otherwise authorized or required by law.

- (2) If a water heater is authorized or required to be located inside a food handling area, it must be enclosed within walls or partitions constructed of a rigid, smooth, nonabsorbent, easily cleanable materials.
- (3) If a food product establishment uses mechanical laundry equipment, the establishment shall locate the equipment in a separate room, each entrance of which is equipment with a self closing, solid door that fits tightly.

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

SEC. 17-7.1. ADOPTION OF Chapter 228, Subchapter G SECTION 229.168, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter G Section 229.168 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

SEC. 17-7.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

ARTICLE VIII.

MOBILE FOOD ESTABLISHMENTS.

SEC. 17-8.1. ADOPTION OF Chapter 228, Subchapter H, Rule 221 SECTION 229.169, TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter H, Rule 221 Section 229.169 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subchapter H, 228.21(a), Subchapter H, 228.21(b), Subchapter H, 228.21(c)(2), Subsections (a), (b), and (c)(2) of Section 229.169 are not adopted. (Ord. Nos. 26023; 28488)

SEC. 17-8.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-8.1 of this chapter, the requirements contained in this section govern mobile food establishments.

(b) Categories of mobile food establishments. Mobile food establishments in the city are divided into the following categories:

(1) Limited service. A limited service mobile food establishment is a mobile food establishment from which only the following foods and beverages are served, sold, or distributed:

- (A) Food that is pre-wrapped, bottled, or otherwise packaged in individual servings.
- (B) Beverages that are not time/temperature control for safety potentially hazardous and are

dispensed from covered urns or other protected equipment.

(2) Vegetable and fruit vendor. A vegetable and fruit vendor is a mobile food establishment from which only raw vegetables and fruits are served, sold, or distributed.

(3) Mobile food preparation vehicle. A mobile food preparation vehicle is a commercially-manufactured, motorized mobile food establishment in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution. "Commercially-manufactured" means the vehicle was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles as mobile food preparation vehicles for sale or compensation.

(4) General service. Any mobile food establishment that is not a limited service mobile food establishment, a vegetable and fruit vendor, or a mobile food preparation vehicle is a general service mobile food establishment.

(c) Vehicles.

(1) A food establishment that uses a vehicle in the operation of a mobile food establishment shall:

(A) identify the vehicle with characters three inches high on both exterior sides of the vehicle stating the following:

- (i) the name of the food establishment;
- (ii) a brief description of the nature of the business if not included in the name; and
- (iii) the permit number of the vehicle;

(B) secure an inspection of the vehicle by the director on the date designated by the director;

(C) maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order;

(D) keep the permit or a copy of the permit on the vehicle at all times;

~~(E) display on the vehicle, in a manner and location approved by the director, a city telephone number provided by the director through which complaints about the mobile food establishment may be reported;~~

(E) (F) provide not less six months vehicle liability insurance prior to scheduling a permitting inspection. display on the vehicle current license plates and a current vehicle safety inspection sticker issued by the State of Texas, when required by state law; and

(F) (G) not equip the vehicle with any sound amplification device that, when operated, violates Section 30-2 of this code.

(2) In addition to other vehicle requirements of Section 17-8.2(c), a mobile food preparation vehicle must:

(A) be equipped with four-way hazard lights; and

(B) in addition to the left and right outside rearview mirrors, be equipped with two outside wide-angle mirrors, one located on the front of the vehicle and one located on the rear of the vehicle.

(3) In addition to other vehicle requirements of Section 17-8.2(c), a general service mobile food establishment must:

(A) be constructed of 18 gauge stainless steel (equivalent to .05 inches durable stainless steel);

(B) not exceed six feet in length (including any handles measuring six inches or more in length and any permanently attached trailer hitches), three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels);

(C) have the bottom of the food service or storage unit at least six inches above the ground;

(D) be equipped with an electrical oven or refrigeration system to maintain proper food temperature; and

(E) not contain a grill.

(4) In addition to other vehicle requirements of Section 17-8.2(c), a limited service mobile food

establishment must not exceed three feet in length, two feet in width (exclusive of wheels), or two feet in height (exclusive of wheels), except for frozen dessert stationary pushcarts, which must not exceed six feet in length, three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels).

(d) Site of operation of general service pushcarts.

(1) All food products, supplies, and equipment necessary for the operation of a pushcart must be contained on the vehicle or at a permitted facility.

(2) Slicing, dicing, and chopping of vegetables and other food items are prohibited.

(3) No cooking, including but not limited to grilling, baking, and frying, is allowed on a pushcart. Only the reheating of cooked food by boiling or steaming is allowed.

(4) An operator of a pushcart must have access to restroom facilities during the hours the pushcart is in operation.

(5) The fixed site from which a pushcart is operated must have a valid food establishment permit issued under Article X of this chapter, unless otherwise approved by the director.

(e) Food served or distributed from a mobile food establishment. A person may not serve or distribute from a mobile food establishment any food not specified in the food establishment permit issued under Article X of this chapter.

(f) Ice.

(1) Ice used in a beverage served by either a limited service mobile food establishment, a mobile food preparation vehicle, or a general service mobile food establishment must be:

(A) from an approved source;

(B) stored in a stainless steel container that:

(i) is covered;

(ii) is not installed above food equipment or food contact surfaces; and

(iii) drains into the mobile food establishment's liquid waste retention tank; and

(C) dispensed with an approved scoop by an employee of the mobile food establishment or from automatic self-service ice dispensing equipment.

(2) All ice used to keep food cold must be drained into the mobile food establishment's liquid waste retention tank and properly disposed of at the mobile food establishment's designated commissary or servicing area.

(g) Central preparation facility or commissary.

(1) Supplies, cleaning, and servicing operations. A mobile food establishment must operate from a central preparation area, commissary, or other fixed food establishment and must report to the location for supplies and for cleaning and servicing operations at the end of each day. **Push carts must be stored inside the commissary location when not in operation.**

(2) Construction. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food establishment, must be constructed and operated in compliance with this chapter.

(h) Operating requirements for mobile food establishments.

(1) General operating requirements for mobile food establishments. A food establishment that serves, sells, or distributes any food or beverage from a mobile food establishment shall comply with the following operating requirements:

(A) Any person operating a motor vehicle as a mobile food establishment must have a current driver's license issued by the State of Texas. **It is the responsibility of the permit holder to ensure that the driver of the vehicle has a current license issued by the State of Texas.**

(B) Garbage storage containers must be maintained on each mobile food establishment in a number sufficient to contain all trash and garbage generated by the establishment. Every garbage container must

have a tight-fitting lid. Before a mobile food establishment leaves a vending site, all trash and garbage must be removed from the site. Excessive trash and garbage may not be allowed to accumulate inside or around the mobile food establishment. All trash and garbage must be disposed of in an approved garbage receptacle.

(2) Mobile food preparation vehicles. In addition to other operating requirements of Section 17-8.2(h), a food establishment that serves, sells, or distributes any food or beverage from a mobile food preparation vehicle must comply with the following requirements.

(A) A mobile food preparation vehicle must have written authorization from the owner or person in control of each premises from which the mobile food preparation vehicle will sell or serve food. The authorization must include the specific dates and times during which the mobile food preparation vehicle is authorized to be present on the premises. A separate written agreement granting permission to use the toilet facilities and garbage receptacles must be obtained from the owner or person in control of the premises on which the mobile food preparation vehicle will sell or serve food or from the owner or person in control of a nearby premises. Toilet facilities may not be located more than 600 feet from the mobile food preparation vehicle and must be accessible during all times that the mobile food preparation vehicle is present on the premises. A current copy of each authorization must be maintained on file with the director and also in the vehicle for inspection by the director or a peace officer upon request.

(B) Before a permit is issued or renewed to a mobile food preparation vehicle under this chapter, an itinerary for the mobile food preparation vehicle must be filed with the director. The director must be given written notice at least two business days before implementation of any changes to the filed itinerary. The itinerary must include:

(i) the address of each premises to be serviced and the name and telephone number of the owner or person in control of those premises;

(ii) the scheduled times of arrival at and departure from each premises to be serviced, which times must be accurate to within 30 minutes; and

(iii) a description of the food to be sold or served at each premises.

(C) Only fast-cooked food items may be prepared on a mobile food preparation vehicle. No raw poultry or seafood may be prepared on the vehicle, except for frozen, breaded poultry or seafood products that are directly placed from the freezer into a fryer.

(D) No cooking may be conducted while the vehicle is in motion.

(E) All cooking equipment and hot holding units must be located at the rear of a mobile food preparation vehicle. All cooking equipment must be properly vented. An approved automatic fire extinguishing system must be provided over cooking surfaces that require exhaust ventilation. Covers with secure latches for deep fryers, steam tables, and similar equipment must be provided and installed while the vehicle is in motion.

(F) A mobile food preparation vehicle must:

(i) be operated only in a location where such operation is allowed by the Dallas Development Code;

(ii) not sell or serve food on any public street, sidewalk, or other public right-of-way;

(iii) park only on an improved surface to sell or serve food;

(iv) not stop or remain at any location to sell or serve food during any time other than the dates and times specified in:

(aa) the current itinerary on file with the director for the mobile food preparation vehicle; and

(bb) the current authorization agreement on file with the director for the use of the premises to sell or serve food; or

(v) be parked overnight (for at least five consecutive hours) only at its commissary or at another location approved by the director that does not violate any applicable city ordinance or state or federal law.

(G) It is a defense to prosecution under Section 17-8.2(h)(2)(F) that a mobile food preparation vehicle

was being operated in compliance with all terms and conditions of a valid special event permit issued by the city.

(i) Structural requirements for mobile food preparation vehicles and general service mobile food establishments.

(1) A mobile food preparation vehicle and a general service mobile food establishment must have a potable water system under pressure that:

(A) is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing; the water supply tank must have a minimum capacity of:

- (i) five gallons for a general service pushcart; and
- (ii) 30 gallons for a mobile food preparation vehicle;

(B) is equipped with a water inlet that is:

- (i) located where it will not be contaminated by waste discharge, road dust, oil, or grease; and
- (ii) provided with a connection of a size or type that will prevent its use for any other service;

(C) is constructed and installed in accordance with the Rules on Food Service Sanitation, as adopted and amended by the Texas Department of State Health Services, which include National Sanitation Foundation standards, Underwriter Laboratory standards, and equivalent standards;

(D) is equipped with a propane tank installed in accordance with applicable fire department regulations pursuant to a valid liquid propane gas (LPG) permit issued by the fire department;

(E) is equipped with a water heater, if the vehicle is a mobile food preparation vehicle; the water heater must be capable of heating water to at least 110 degrees Fahrenheit, and any tank of the water heater must have a minimum capacity of three gallons; and

(F) provides a minimum water pressure of one gallon per minute.

(2) In lieu of the potable water system under pressure required in Section 17-8.2(i)(1), a general service mobile food establishment may have a potable water system that is gravity fed with a mixing faucet if the water tanks:

(A) are vented for escape or intake of air of sufficient volume to allow for water flow, and the vent openings are protected;

(B) have a smooth interior with no recesses and crevices; and

(C) have a combined water capacity of not less than five gallons.

(3) If liquid waste results from the operation of a mobile food preparation vehicle or a general service mobile food establishment, the vehicle or establishment must have a liquid waste retention system that is:

(A) equipped with a permanently installed retention tank of at least 50 percent larger capacity than the potable water supply tank;

(B) equipped with servicing connections that are:

- (i) located lower than the water inlet to prevent contamination of the potable water system; and
- (ii) of a different size or type than the connection used for supplying potable water to the unit; and

(C) properly sloped to drain and collect all potential liquid waste.

(4) In addition to other structural requirements of Section 17-8.2(i), a mobile food preparation vehicle must meet the following requirements:

(A) Floors must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.

(B) Walls must be durable, easily cleanable, nonabsorbent, and light in color. Minimum wall covering materials include, but are not limited to, aluminum or fiberglass-reinforced paneling. Walls at vent hood and grill areas must be covered with stainless steel panels. Wall covering must be installed to cover the entire

height of each wall. Studs and utility lines may not be unnecessarily exposed on the wall or prevent cleaning.

(C) Ceilings must be light in color, nonabsorbent, and easily cleanable. The height over the aisle-way portion of the vehicle must be at least 74 inches and unobstructed. Joists and rafters may not be exposed.

(D) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside of the food preparation area. Aisle space must be unobstructed and at least 30 inches wide.

(E) Construction joints must be tightly fitted and sealed with no gaps or voids, and all sealant, solder, and weld joints located in the food contact areas must be smooth and approved for food contact surfaces.

(F) The vehicle must be equipped with a built-in hose that may be used to wash the interior of the vehicle.

(G) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation (NSF).

(H) All equipment must be placed, installed, stored, and secured on the vehicle in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.

(I) The vehicle must be equipped with a stainless steel, three-compartment sink, with each compartment measuring at least 12 inches long, 12 inches wide, and 10 inches deep, to be used for warewashing. The sink must be equipped with:

(i) a mixing faucet with a swivel spigot capable of servicing all sink compartments; and

(ii) an integral stainless steel drainboard at least 12 inches long, which must be installed with a minimum one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

(J) The vehicle must be equipped with a stainless steel sink measuring at least nine inches long, nine inches wide, and four inches deep to be used for handwashing. The sink must be:

(i) located in an area that is fully accessible and at counter level;

(ii) separated from the warewashing sink by a metal splashguard at least six inches high; and

(iii) equipped with a soap dispenser and paper towel dispenser.

(K) The vehicle must contain at least 20 inches of linear counter space for each piece of food equipment. Additional counter space must be provided that is sufficient to allow for safe food preparation.

(L) The vehicle must contain at least 15 cubic feet of storage space for dry food and utensil storage. No food or utensil storage is allowed in any plumbing compartment.

(M) The vehicle must be equipped with mechanical refrigeration equipment if **time/temperature control for safety** potentially hazardous food is stored, prepared, or served on the vehicle. The mechanical refrigeration equipment must have at least 15 cubic feet of usable storage space and be capable of ensuring proper food temperature control during transportation and operation.

(N) Outer openings of the vehicle, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof and meet the following requirements:

(i) Screens must be tightly fitted and in good repair, with a maximum of 16 mesh per square inch.

(ii) Service windows must not be larger than 216 square inches. The distance between two service windows must not be less than 18 inches. Each service window must have an overhead protection cover extending at least 12 inches from the vehicle.

(iii) Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.

(O) The vehicle must be equipped with a power source, approved by the director, that is capable of

handling the power demands of the vehicle and equipment while the vehicle is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.

(P) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.

(5) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment that does not comply with the requirements of Section 17-8.2(i).

(j) Servicing requirements for mobile food preparation vehicles and general service mobile food establishments.

(1) A food establishment that serves, sells, or distributes any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment shall comply with the following regulations:

(A) Servicing area. The food establishment shall provide a servicing area where every mobile food preparation vehicle and general service mobile food establishment must report at least once daily for servicing operations. The servicing area must include:

- (i) overhead protection for any supplying, cleaning, or servicing operation;
- (ii) a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and
- (iii) a surface constructed of a smooth nonabsorbent material, including, but not limited to, concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.

(B) Servicing methods and equipment.

(i) Potable water servicing equipment must be installed according to all applicable city ordinances and state and federal law and stored and handled in a way that protects the water and equipment from contamination.

(ii) The liquid waste retention tank for a mobile food preparation vehicle or a general service mobile food establishment must be thoroughly flushed and drained during the servicing operation.

(iii) All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances and state and federal law.

(iv) Liquid waste may not be discharged from a mobile food preparation vehicle or a general service mobile food establishment while it is in motion.

(C) Site cleanup. A service site must be left in a clean, waste-free condition.

(D) Food preparation and service. Food may not be prepared or served while the vehicle is in motion or in an area that exposes any person present to a health or safety hazard.

(2) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment if the food establishment does not supply, clean, or service the mobile food preparation vehicle or general service mobile food establishment in accordance with Section 17-8.2(j). (Ord. Nos. 26023; 28220; 28488)

ARTICLE IX.
TEMPORARY FOOD ESTABLISHMENTS AND CATERING SERVICES.

SEC. 17-9.1. ADOPTION OF Chapter 228, Subchapter H SECTION 229.170, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter H, 228.222 Section 229.170 of the Texas Food Establishment Rules is not adopted. (Ord. 26023)

SEC. 17-9.2. REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS.

(a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if:

- (1) the director finds that the operation will not result in a health or safety hazard or a nuisance;
- (2) the operation is limited to a single, fixed location, which may include one or more facilities at the location;
- (3) the establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:

(A) an out-of-town vendor must submit a copy of its current local health permit and a copy of its last health inspection from the local health department where the vendor is located; and

(B) a food manufacturer must submit a copy of its state manufacturer's license;

(4) the establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and

(5) the completed application for the permit to operate a temporary food service establishment is received by the director at least 48 hours before the scheduled commencement of the activity or event for which the permit is issued.

(b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety potentially hazardous food and the weekly gross income of which does not exceed \$100.

(c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), (v), or (vii) of this chapter.

(d) Expiration. A temporary food service establishment permit expires:

(1) upon expiration of a special event permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), or (vii) of this chapter;

(2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or

(3) 14 days after the issuance of a temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first.

(e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:

(1) prepare, serve, sell, or distribute more than four time/temperature for safety (TCS) menu items within a permitted booth, unless otherwise approved by the director

(2) prepare, serve, sell, or distribute any food not approved in advance by the director;

(3) prepare **TCS** ~~potentially hazardous~~ food, except that an establishment may prepare **TCS** ~~potentially hazardous~~ food that is approved in advance by the director and does not require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide **TCS** ~~potentially hazardous~~ food that is:

(A) obtained by the establishment in precooked, individual servings;

(B) stored at a temperature of:

(i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or

(ii) 135° F. (57° C.) or above using mechanical holding units in each **booth** ~~booth~~ to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and

(C) served to a consumer in the container in which it was originally packaged;

(4) ~~(3)~~ prepare, serve, sell, or distribute raw seafood or poultry, except when the product is:

(A) pre-cut, breaded, and frozen and ready to be directly placed from the freezer into a fryer; or

(B) precooked;

(5) ~~(4)~~ allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);

(6) ~~(5)~~ permit consumption of ice or contact of ice with food unless the ice is:

(A) obtained from a source that is approved as safe by the director;

(B) in chipped, crushed, or cubed form;

(C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and

(D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;

(7) ~~(6)~~ store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:

(A) contains not less than 50 mg/l of available chlorine; and

(B) is maintained in a clean condition; or

(8) ~~(7)~~ use water from a source that is not approved as safe by the director.

(f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:

(1) limit the booth size to a maximum 15x 15 square foot space, unless the event planner offers fixed structures as temporary booths, or as otherwise approved by the director

(2) protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:

(A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.

(B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.

(C) When self-service ice dispensers are not used, ice scoops are required.

(D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.

(E) Food handling personnel must wash their hands as frequently as necessary to maintain clean

hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.

(F) Animals may not be located within 50 feet of a temporary food establishment or food service area.

(3) ~~(2)~~ Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:

(A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.

(B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided to ensure that proper sanitizer concentration is achieved. All utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.

(C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.

(4) ~~(3)~~ Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.

(5) ~~(4)~~ Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:

(A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.

(B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.

(6) ~~(5)~~ Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.

(7) ~~(6)~~ Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.

(8) ~~(7)~~ Use only equipment approved by the director if **time/temperature control for safety** ~~potentially hazardous~~ foods will be served by the establishment.

(9) ~~(8)~~ Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.

(g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:

(1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;

(2) have a serving counter with a depth of at least 12 inches;

(3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;

(4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and

(5) comply with all design and structural standards that may be established by the director for temporary food service establishments. (Ord. Nos. 26023; 26556; 28046)

SEC. 17-9.3. REQUIREMENTS FOR CATERING SERVICES.

(a) Affiliation with permitted food establishment required. A person shall not engage in a catering service unless the service is affiliated with a food establishment operating from a fixed facility that is permitted under Article X of this chapter.

(b) Food preparation. A catering service may prepare food at the service site. If food requires substantial preparation in addition to cooking at the service site, a catering service shall not serve the food requiring additional preparation unless approved as safe by the director.

(c) Operational requirements. A catering service shall:

(1) notify the director in writing four days in advance of serving to a group of 500 or more people, stating the location, time, and menu of the service;

(2) take necessary steps to provide facilities and supplies for maintenance of personal hygiene (including, but not limited to, potable water, soap, and towels) for employees at the service site;

(3) provide refuse containers at the service site that permit disposal of refuse in a way that does not result in a health or safety hazard;

(4) leave a service site in a clean, waste-free condition; and

(5) not prepare or serve food in an area that exposes any person present to a health or safety hazard.

(d) Duration of service at same site. A catering service shall not serve at the same service site on more than two successive days unless the catering service complies with additional requirements as the director determines are necessary to protect the public health and safety at the service site.

(e) Vehicles. A food establishment that uses a vehicle in the operation of a catering service shall:

(1) identify the vehicle with characters three inches high on both exterior sides of the vehicle stating the following:

(A) the name of the food establishment;

(B) a brief description of the nature of the business if not included in the name; and

(C) the permit number of the vehicle;

(2) secure an inspection of the vehicle by the director on the date designated by the director;

(3) maintain the vehicle in a clean condition;

(4) keep the permit or a copy of the permit on the vehicle at all times; and

(5) not equip the vehicle with any sound amplification device that, when operated, violates Section 30-2(k) of this code. (Ord. 26023)

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

SEC. 17-10.1. ADOPTION OF Chapter 228, Subchapter I ~~SECTION 229.171,~~ TEXAS FOOD ESTABLISHMENT RULES.

Chapter 228, Subchapter I ~~Section 229.171~~ of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Figure 1: 25 TAC § 228.251(f) ~~229.171(j)(6)~~ is not adopted. (Ord. 26023)

SEC. 17-10.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-10.1 of this chapter, the requirements contained in this section govern compliance and enforcement of this chapter.

(b) Documenting information and observations on inspection of food establishments. The director shall document administrative information about a food establishment's legal identity and all other findings and observations on the inspection report form. A copy of the inspection report must be furnished to the owner or person in charge, which constitutes written notice of any violation of this chapter. The inspection report must summarize the inspectional findings and must set forth a demerit point value for each classification of inspection items. A food establishment shall provide a copy of the most recent inspection report to any

customer or potential customer upon request.

(c) Permits.

(1) Requisite. A person shall not operate a food establishment inside the city without a permit issued by the director. A separate permit is required for:

- (A) each establishment that is under a separate ownership;
- (B) each separate and distinct fixed facility from which an establishment operates;
- (C) each vehicle used to operate a catering service; and
- (D) each mobile food establishment.

(2) Facilities that are not separate and distinct. For purposes of this article, the following facilities are not considered separate and distinct if they are in the same building and under the same ownership and same management:

- (A) A restaurant and a bar that is:
 - (i) either located within the restaurant or adjacent to the restaurant; and
 - (ii) preparing beverages for service in the restaurant.

(B) A holding kitchen for a banquet room and a main kitchen preparing food for service in the banquet room.

- (C) A main kitchen and any food service area for which the main kitchen prepares food.

(3) Common areas. If several separate and distinct facilities in the same building or at the same fixed location share common food storage, utensil storage, dishwashing, cleaning, laundry, or other areas, each facility's permit must specify which common areas are to be inspected with the facility. Each common area specified under a permit must be included in the calculation of the floor area of the permitted facility for purposes of assessing the annual inspection fee.

(4) Lapse. A permit lapses if the food establishment operating under the permit:

- (A) ceases its operation for 12 or more months;
- (B) fails to pay the annual inspection fee on or before the due date;
- (C) extensively remodels the facility from which it operates;
- (D) constructs a new facility or mobile food preparation vehicle; or
- (E) changes ownership.

(5) Transferability. A permit is not transferable. A person who acquires an existing food establishment may not operate the establishment without obtaining a new permit within 30 days of the change of ownership.

(6) Operating authority. A permit issued under this article gives only the person to whom the permit is issued the authority to operate the establishment identified on the permit. As a lawful condition to the operation of the establishment, the director may impose in the permit such additional requirements relating to the operation of the food establishment as the director determines is necessary to protect the public health and safety.

(7) Application. A person who desires a permit for a food establishment shall apply for the permit on a form provided by the department, requiring such information as the director determines is necessary to implement or enforce this chapter. A food establishment shall apply for a new permit if:

- (A) the facility from which it operates is to be extensively remodeled;
- (B) a new facility or mobile food preparation vehicle is to be constructed; or
- (C) there is a change of ownership.

(8) Extensive remodeling. For purposes of this chapter, "extensive remodeling" means the expenditure of at least \$10,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

- (A) expenditures for the replacement of movable equipment; or

(B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.

(9) Issuance. If the director finds that a food establishment applying for a permit complies with applicable requirements of this chapter and other law and is current on the payment of all fees owed to the city under this chapter, the director shall issue the permit. The director may not issue a permit for any mobile food establishment that is equipped with any sound amplification device that, when operated, violates Section 30-2(k) of this code.

(10) Acceptance. Acceptance of a permit issued by the director constitutes an agreement by the food establishment to:

(A) comply with all conditions of the permit and all applicable provisions of this chapter; and

(B) allow the lawful inspection of its facility, vehicles, and operations.

(11) Display. A food establishment that operates from a fixed facility shall display its permit in a frame with a glass cover at a prominent place inside the facility where it can be easily seen by the public.

(d) Permit application fee.

(1) An applicant for a permit for a food establishment shall pay the city an application fee for each separate and distinct fixed facility and for each mobile food preparation vehicle inside the city from which the establishment is to be operated.

(2) The applicant shall pay a nonrefundable fee according to the following schedule:

	Fixed Facility	Mobile Food Preparation Vehicle
Cessation of operation of existing facility or vehicle for 12 or more months	\$70	\$86
Change of ownership of existing facility or vehicle	\$131	\$86
Change of ownership of newly constructed facility or vehicle or extensively remodeled facility	\$131	\$86
Newly constructed facility or vehicle or extensively remodeled facility under same ownership	\$120	\$86
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	\$236	\$236

(3) Section 17-10.2(d) does not apply to:

(A) a temporary food service establishment permitted under this chapter; or

(B) a wholesale produce dealer permitted under Chapter 29 of this code.

(4) The permit application and reinstatement fees required to be paid under this section are in addition to the annual inspection fees required to be paid under Section 17-10.2(g) or (h), whichever applies.

(e) Plans and specifications.

(1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$66 for a fixed facility or \$66 for a mobile food preparation vehicle.

(2) The director's written approval of plans and specifications is valid until whichever of the following

dates or events occurs first:

(A) 18 months after the date of approval, for new construction of a fixed facility or construction of a mobile food preparation vehicle;

(B) six months after the date of approval, for extensive remodeling of an existing facility; or

(C) completion of construction and issuance of a food establishment permit.

(3) Before construction or remodeling may be continued or recommenced after an approval of plans and specifications lapses:

(A) a new permit application must be made, and an application fee paid, in accordance with Section 17-10.2(d); and

(B) the plans and specifications must be resubmitted to and approved by the director and a new plans review fee must be paid.

(4) Approval of the plans and specifications by the director does not prevent the director from enforcing an ordinance or other law applicable to the construction or remodeling.

(5) Plans and specifications submitted under this section for a fixed facility must conform to the requirements for plans and specifications in the Dallas Building Code.

(6) If plans and specifications are approved by all affected departments of the city and construction has been in accordance with the plans and specifications, before an inspecting officer from any department may require a change, written notice must be served to the food establishment in accordance with Section 17-10.2(n). The notice must state:

(A) the required change in the plans and specifications;

(B) the reason for the change; and

(C) the establishment's right to appeal the order of change.

(7) A food establishment may appeal a change ordered under this section following the procedures of Section 17-10.2(q).

(f) Inspections.

(1) Consent to inspection. Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.

(2) Inspection procedure. An inspection will be conducted in the following manner:

(A) The director may inspect during business hours or at any other reasonable time.

(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.

(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.

(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.

(3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period. Whenever a food establishment is inspected by the director and a violation

of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$110 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

(5) Inspection form. The director shall prepare and use an inspection form for rating the code compliance of a food establishment.

(6) Nothing in this chapter authorizes the entry of persons other than the director and the director's authorized representatives into food preparation or equipment and utensil washing areas of a food establishment.

(g) Annual inspection fees: catering services and mobile food establishments.

(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$120 for each vehicle used to operate the service inside the city.

(2) Mobile food establishment.

(A) A food establishment that operates a mobile food establishment inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:

Type of Operation	Each Vehicle
General service	\$236
Limited service	\$137
Vegetable or fruit vendor	\$109
Mobile food preparation vehicle	\$218

(B) An additional nonrefundable \$138 fee will be charged for each vehicle requested by a food establishment to be inspected at a location other than a location designated by the director.

(h) Annual inspection fee: fixed facilities.

(1) Requisite. A food establishment shall pay the city a nonrefundable annual inspection fee for each separate and distinct, fixed facility inside the city from which the establishment is operated. If a building contains multiple facilities, a separate fee will be calculated for each facility required to be permitted under Section 17-10.2(c).

(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:

(A) For facilities not included in Section 17-10.2(h)(2)(B):

Area in square feet	Annual fee
1 to 2,000	\$284
2,001 or more	\$313

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

Area in square feet	Annual fee
1 to 2,000	\$284

2,001 or more

\$313

(3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year.

(4) The annual inspection fee for a new food establishment will be prorated from the calendar month in which operations begin to the end of the calendar year.

(5) Exceptions. Section 17-10.2(h) does not apply to:

- (A) a temporary food service establishment permitted under this chapter; or
- (B) a wholesale produce dealer permitted under Chapter 29 of this code.

(i) Temporary food service fee.

(1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$156, plus \$7 for each day of operation for each facility from which the establishment is operated. A maximum nonrefundable annual fee of \$124 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$132 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$123 for each booth or stall at the first market location and \$120 for each booth or stall at each additional market location will be collected from a vendor operating at a neighborhood farmers market permitted under Chapter 29A of this code.

(2) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:

- (A) does not serve time/temperature control for safety potentially hazardous food; and
- (B) the weekly gross income of which does not exceed \$100.

(j) Registration of food establishments outside the city; fee.

(1) A food establishment operating from a facility located outside the city that sells, distributes, or transports food inside the city may not conduct operations inside the city unless the establishment annually:

- (A) registers with the director on a form provided for the purpose;
- (B) pays to the city a nonrefundable registration fee of \$10 and other applicable fees; and
- (C) furnishes the department with:

(i) a certificate from a health authority with jurisdiction over the establishment indicating that the establishment complies with applicable public health laws; and

(ii) other information that the director determines is necessary to enable the director to implement or enforce this chapter or otherwise protect the public health or safety.

(2) The director may inspect the operations of a food establishment specified in Section 17-10.2(j)(1) that are conducted inside the city to determine if the operations comply with applicable requirements of this chapter or other law.

(3) This subsection does not affect the liability of a food establishment specified in Section 17-10.2(j)(1) for payment of any other fee imposed under this article.

(k) Payment of fee. Except as expressly provided by this article, a fee prescribed by this article is payable on the date and in the manner prescribed by the director. If in a particular year a food establishment fails to pay the annual inspection fee required on or before the due date, the permit of that establishment lapses and the establishment must pay the reinstatement fee required by Section 17-10.2(d)(2), and all other outstanding fees owed to the city under this chapter, before the permit will be renewed. Payments are applied to oldest outstanding balance first.

(l) Service fees.

(1) If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the director in writing of the change and pay the city a service fee of \$48, not more than seven days after the change.

(2) To obtain from the director a detailed, written survey of an existing food establishment, a prospective operator must:

(A) present to the director written permission for the survey from the owner of the food establishment; and

(B) pay to the city a nonrefundable service fee of \$200.

(m) Violations; notification and order to correct.

(1) Authority to order correction. If the director determines that a food establishment is in violation of this chapter or other law, the director may notify the establishment in writing of the violation and by written order direct the establishment to correct the violation within a definite period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the period of time reasonably necessary to make the correction.

(2) Immediate corrections. Upon determining that a violation constitutes an imminent and serious threat to the public health or safety, the director may order the establishment to correct the violation immediately or cease food operations to the extent the director determines is necessary to abate the threat until the violation is corrected.

(3) Contents of notice. The director shall include in a notice of violation under this subsection:

(A) identification of the violation by code section number and the name of the issuing officer;

(B) the date of issuance of the notice and the time period within which the violation must be corrected;

(C) a warning that failure to comply with the order may result in one or more of the following:

(i) temporary closure of the establishment;

(ii) suspension or revocation of the establishment's permit; or

(iii) imposition of a fine; and

(D) a statement indicating that the order may be appealed.

(4) Closure.

(A) If, pursuant to Section 17-10.2(m)(2), the director determines that a food establishment must cease operations in order to correct a violation that constitutes an imminent and serious threat to the public health and safety, the director shall:

(i) if the establishment voluntarily closes for the required time period, post a placard that states that the establishment is closed in cooperation with the city to improve food sanitation in the establishment; or

(ii) if the establishment closes only after a written order is issued by the director, post a placard that states that the establishment is closed by order of the city to correct food sanitation deficiencies.

(B) A person commits an offense if he continues operation of a food establishment after being ordered by the director to close the establishment. An offense under this subparagraph is punishable by a fine of not less than \$200 or more than \$2,000.

(5) Placard requirements.

(A) A placard posted in accordance with Section 17-10.2(m)(4) shall:

(i) be no larger than nine inches by 12 inches in size;

(ii) contain any language and symbols determined appropriate by the director;

(iii) be placed at the main entrance of the establishment where it is clearly visible to the public;

(iv) remain posted until the director determines that the food sanitation deficiencies are corrected and that the establishment may re-open; and

(v) be removed only by the director.

(B) A person commits an offense if, without the consent of the director, he defaces, removes, or conceals (in whole or in part) a placard posted in accordance with Section 17-10.2(m)(4). An offense under this subparagraph is punishable by a fine of not less than \$200 nor more than \$2,000.

(n) Service of notice.

(1) The director or an authorized representative shall personally serve notice required under this article to:

- (A) the permittee;
- (B) the registered agent for service of the permittee; or
- (C) a person in charge of the food establishment.

(2) If the permittee, registered agent, or a person in charge cannot be found after a diligent effort to locate, or if the establishment is located outside the city, the director may serve notice by certified United States mail, return receipt requested, to the address of the permittee on file with the department or to the address of the registered agent.

(3) Service of notice executed in accordance with Section 17-10.2(n) constitutes notice to a food establishment.

(o) Examination and condemnation of food.

(1) Authority to examine. The director may examine food that is to be served, sold, offered for sale, transported, distributed, or stored inside the city by a food establishment as often as reasonably necessary to determine if the food is adulterated or misbranded. The director may take a reasonable sample of food subject to examination under Section 17-10.2(o).

(2) Hold order. If the director has reasonable cause to suspect that food is adulterated or misbranded, the director by written order may instruct the food establishment that possesses the food to withhold the food from use or sale. A hold order takes effect immediately upon issuance. If a hold order is imposed, the department shall serve notice of that fact in the manner prescribed by Section 17-10.2(n). The director shall identify the food subject to a hold order in a reasonable way (including, but not limited to, a note or tag attached to the food). An establishment that possesses food subject to a hold order shall store the food as directed by the director and shall not alter the food in any way without written permission from the director. The director shall take such samples as may be necessary to examine food subject to a hold order as soon as reasonably possible to determine if the food is adulterated or misbranded. If the food is not adulterated or misbranded, the director shall cancel the hold order.

(3) Condemnation order. If the director determines that the food is adulterated, the director shall order the food condemned and dispose of the food in a way that does not result in a health hazard. If the director determines that the food is misbranded, the director shall order the food condemned and may dispose of the food in a way that does not result in a health hazard, or order the food establishment in control of the food to put the food in compliance with applicable law.

(p) Suspension and revocation of permits.

(1) The director may suspend a permit, for a definite period of time not to exceed one year, if the director determines that a food establishment has:

- (A) made a false statement of a material fact in an application for a food establishment permit;
- (B) violated a provision of this chapter;
- (C) failed to timely comply with a correction order, a hold order, or a condemnation order;
- (D) intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative; or

(E) failed to pay a fee required under this chapter at the time it was due.

(2) The director may revoke a permit if the director determines that a food establishment has:

- (A) been convicted twice within a 12-month period for violations of this chapter;
- (B) failed to comply, within the time specified, with an order to correct or abate an imminent and serious threat to the public health or safety;
- (C) been closed two or more times within a 12-month period for conditions that constituted a serious and imminent threat to public health;
- (D) had a food establishment permit suspended under Section 17-10.2(p)(1) three times within a 24-month period; or
- (E) operated a food establishment during a period when the food establishment's permit was suspended.

(3) Upon receipt of written notice of suspension or revocation issued by the director, the food establishment shall immediately cease operation of the facility or vehicle for which the permit is suspended or revoked. The director shall serve notice of suspension or revocation in the manner prescribed by Section 17-10.2(n). The notice of suspension or revocation must include:

- (A) the name of the permittee;
- (B) the location or identification of the food establishment facility or vehicle for which the permit is suspended or revoked;
- (C) the reason for the suspension or revocation; and
- (D) a statement informing the establishment of its right to appeal the suspension or revocation.

(q) Appeal.

(1) A decision of the director that is appealable under this chapter is final unless the applicant, permittee, registrant, certificate holder, or food establishment to which the decision applies files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.

(2) The filing of an appeal in accordance with Section 2-96 of this code stays an action of the director until a final decision is made by the permit and license appeal board, unless the director determines that continued operation of a food establishment, or continued employment of a food service manager or a food handler, constitutes an imminent and serious threat to public health and safety and gives proper notice of that determination to the food establishment, the food service manager, or the food handler.

(r) Criminal offenses; presumption.

(1) A person commits an offense if he:

- (A) impedes the lawful inspection of a food establishment; or
- (B) violates any other provision of this chapter.

(2) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(3) A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. Unless otherwise provided in this chapter, an offense committed under this chapter is punishable by a fine of not less than \$50 or more than \$2,000; however, a second or subsequent conviction for the same offense within a period of less than one year from the first conviction is punishable by a fine of not less than \$200 or more than \$2,000.

(4) If an enforcing officer designated by the director has probable cause to believe that a person has committed an offense under this chapter, the enforcing officer may cause the arrest of the person or issue the person a written citation to appear in municipal court to answer the charge against the person. If, upon request by the enforcing officer, the person believed by the officer to have committed the offense or an owner, officer, manager, or other person in charge of the food establishment believed by the officer to have violated this chapter, refuses to promise to appear in court by signing the citation, the enforcing officer shall cause the arrest of the person. The citation must include:

- (A) the section of the code violated;

- (B) the name and location of the establishment;
- (C) identification of and the date of the offense alleged;
- (D) the date of the citation; and
- (E) the signature of the officer issuing the citation.

(5) Prosecution for an offense does not prevent the use of other enforcement remedies or procedures applicable to the conduct involved in the offense.

(6) Whenever a violation of this chapter occurs that involves a mobile food establishment, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(s) Variances.

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by **Section 229.171(c)(2)** of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of:

(A) \$127 for a variance to allow dogs to be present in the outdoor patio area of a food establishment under Subsection (s)(7);

(B) \$95 for a variance to allow the preparation, cooking, and service of raw poultry, raw seafood, and non-fast-cooked food items on a mobile food preparation vehicle under Subsection (s)(8); and

(C) \$100 for all other variances applied for under this subsection.

(2) The director may grant a variance by modifying or waiving the requirements of the Texas Food Establishment Rules [as authorized in **Subchapter I, 228.243 (a)(b)(c)** ~~Section 229.171(e)~~ of the Texas Food Establishment Rules] or the requirements of this chapter if, in the opinion of the director, a health hazard or nuisance will not result from the variance.

(3) If a variance is granted, the director shall retain in its records for the food establishment the information provided by the applicant under **Subchapter I, 228.243 (b)** ~~Section (229.171(e)(2))~~ of the Texas Food Establishment Rules. A food establishment granted a variance shall comply with **Subchapter I, 228.243 (c)** ~~Section 229.171(e)(3)~~ of the Texas Food Establishment Rules and any conditions or standards for the variance established by the director or this chapter.

(4) A variance granted under this section is nontransferable. The variance expires two years after the date it is granted by the director, unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.

(5) The director shall deny or revoke a variance under this section if:

(A) the food establishment made a false statement as to a material matter on or in connection with the request for the variance or on or in connection with the permit application for the food establishment;

(B) the food establishment does not hold a valid permit issued under this chapter;

(C) the director determines that a health hazard or nuisance will result or has resulted from the variance;

(D) the food establishment failed to pay a fee required under this chapter at the time it was due; or

(E) the food establishment is in violation of any term or condition of the variance as established by the director, this chapter, or state law.

(6) If the director denies or revokes a variance, the director shall notify the applicant in writing by

personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision in accordance with Subsection (q) of this section.

(7) If, pursuant to this section, the director grants a variance to **Subchapter F, 228.186(o)** ~~Section 229.167(p)(15)~~ of the Texas Food Establishment Rules (which prohibits animals on the premises of a food establishment) to allow dogs to be present in the outdoor patio area of a food establishment, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) Except as allowed under **Subchapter F, 228.186(o)** ~~Section 229.167(p)(15)~~ of the Texas Food Establishment Rules, no dog may be present inside the food establishment or on any playground area of the food establishment.

(B) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.

(C) A sign must be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO."

(D) Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment.

(E) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.

(F) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), or, if a food establishment has continuous food or beverage service without designated shifts, then every six hours that the establishment is open for business, except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be cleaned up with animal friendly chemicals within five minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

(G) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.

(H) A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.

(I) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.

(J) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

(K) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container.

(8) If, pursuant to this section, the director grants a variance to Section 17-8.2(h)(2)(C) of this chapter (which allows only fast-cooked food items to be prepared on a mobile food preparation vehicle and prohibits raw poultry or raw seafood from being prepared or cooked on the vehicle) to allow raw poultry, raw seafood, and non-fast-cooked food items to be prepared, cooked, and served from a mobile food preparation vehicle,

then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) The applicant must submit to the director detailed plans regarding the preparation, cooking, and service of the raw poultry, raw seafood, and non-fast-cooked food items on the mobile food preparation vehicle. The plans must include all of the following information:

(i) A description of the raw poultry, raw seafood, and non-fast-cooked food items and how they will be prepared, cooked, and served.

(ii) Details of how the raw poultry, raw seafood, and non-fast-cooked food items will be stored on the vehicle.

(iii) Any other information or documentation the director deems necessary to determine whether or not a health hazard or nuisance will result from granting the variance.

(B) The food establishment must not have committed more than a total of three violations of this chapter or the Texas Food Establishment Rules within the preceding 12-month period that involved any mobile food preparation vehicle or fixed food facility operated by the food establishment, regardless of whether such violations were committed by an owner, officer, operator, manager, other person in charge, or employee of the food establishment.

(C) The food establishment must not have had any confirmed foodborne illnesses at any of its locations within the preceding 24 months.

(D) The food establishment must not have scored less than 80 on two separate graded food inspections within the preceding 24 months.

(E) Cutting of raw poultry or raw seafood is prohibited on a mobile food preparation vehicle, except for seafood intended to be consumed raw.

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section. (Ord. Nos. 26023; 26134; 26556; 26598; 27190; 27353; 27695; 28046; 28488; 29177)

ARTICLE XI.

HEIMLICH MANEUVER POSTER.

SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

(a) Purpose. The purpose of this section is to establish that the above poster is required in food establishments within the City limits of the City of Dallas. This section also establishes the requirements for the signs depicting the Heimlich Maneuver for dislodging an obstruction from a choking person.

(b) Placement. All food establishments at which space for eating is designed or designated shall post the sign in a place conspicuous to employees or customers.

(c) Specifications: The sign shall meet the following requirements:

(1) the sign shall be printed on white paper and shall be no smaller than 11 inches wide by 17 inches long;

(2) the sign shall be printed in English and Spanish and in at least two conspicuous contrasting colors. Major title and figure blocks shall be in contrasting color to remaining copy blocks;

- (3) major headings shall be a minimum Bengeat Bold 72 point or equivalent;*
- (4) subheadings shall be a minimum Bengeat Bold Italic 60 point or equivalent;*
- (5) remaining subheadings shall be a minimum Bengeat Bold 24 point or equivalent; and*
- (6) body copy shall be Helios Bold 14 point or equivalent.*

**ARTICLE XII.
BED AND BREAKFAST EXTENDED ESTABLISHMENTS.**

**SEC. 17-12.1. ADOPTION OF Chapter 228, Subchapter H SECTION 229.174,
TEXAS FOOD ESTABLISHMENT RULES.**

Chapter 228, Subchapter H Section 229.174 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

SEC. 17-12.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

**ARTICLE XIII.
OUTFITTER OPERATIONS.**

**SEC. 17-13.1. ADOPTION OF Chapter 228, Subchapter H SECTION 229.175,
TEXAS FOOD ESTABLISHMENT RULES.**

Chapter 228, Subchapter H Section 229.175 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

SEC. 17-13.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

**ARTICLE XIV.
Self Service Food Market**

ADOPTION OF Chapter 228, Subchapter H, Rule 225

Chapter 228, Subchapter H, Rule 225 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023).

SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

SUMMARY OF CHANGES TO TFER PURPOSE & DEFINITIONS

General:

- Changed Chapter citations from §229 to §228.
- Changed format of definitions to reflect current rulemaking standards
- Updated agency information
- Updated definitions required by State statutes
- As per FDA, eliminated references to PHFs and included Time/Temp Control for Safety (TCS) food where applicable.
- Transition to Priority Item Violation and Priority Foundation Violation from Critical Violation. All terms will appear together.
- Transition from Non-Critical Violation to Core Item Violation. All terms will appear together

Subchapter A. General Provisions

§228.1 Purpose.

Changed purpose to include reference to State statutes and FDA.

§228.2 Definitions.

- (1) Added FDA definition of “Accredited program”
 - (5) Added definition of “Asymptomatic”
 - (7) Added definition of “Balut”
 - (8) Added definition of “Bare hand contact”
 - (9), (10) & (11) Separated definitions of different Bed and Breakfast types.
 - (15) Added Definition “Central Preparation Facility”
- Eliminated definition of “child care center”.

(18) Added definition of “Clostridium botulinum”.

Deleted definition of “Cottage food”.

(20) Added definition of “Color Additive”.

(24) Added definition of “Conditional Employee”.

(27) Added definition of “Controlled atmosphere packaging”.

(28) Added definition of “Cook chill packaging”.

(29) Added definition for “Core Items”.

(31) Added definition of “Counter-mounted equipment”.

(34) Changed definition of “Cut leafy greens” to include "this does not include the harvest cut. See (75) – definition of “Leafy greens”.

As per FDA deleted definition of “Enterohemorrhagic Escherichia coli”.

(43) Added definition of “Egg product”.

(47) Changed the definition of Event to include the terms: civic, political, public or educational and changed wording to include “would” grant permission to clarify the term events.

Eliminated the definition “farmer’s market”.

(52) Amended the definition of food establishment to include micro-markets. (See definition (149) referring to vending machines.)

(53) Added definition of “Food Additive”.

(57)(a) Changed definitions of food establishment to include terms: location, machine, micro-Market

(59) Added definition of “Food Protection Manager Certification”.

(65) Changed the definition of “Handwashing sink” to limit use for handwashing only.

(67) Added definition of “Health Practitioner”.

(75) Added definition of “leafy greens”.

(76) Added definition for “License”.

- (77) Added definition for “License holder”.
- (79) Added definition for “Listeria monocytogenes”.
- (81) Added definition of “Major Food Allergen”.
- (82) Changed definition of “Meat” to remove reference to “wild game animals and to include reference to definition of “game animals”.
- (83) Added definition of “Mechanically tenderized”.
- (85) Added definition for “Mobile Food Unit”
- (86) Added definition of “Modified atmosphere packaging”.
- (87) Added definition of “Molluscan shellfish”.
- (88) Added definition of “Non-continuous cooking”.
- (89) Included definition of Non-Time/Temperature control for safety food (NTCS)
- (95) Added PIC to definition of “Person in charge”.
- (99) Added definition of “Plumbing code”
- Eliminated definition of “Potentially hazardous foods”.
- (106) Added definition of “Priority item”
- (107) Added definition for “Priority Foundation Item”
- (109) Added a definition of “Psychrotrophic organisms”.
- (111) Added “is readily movable by one or two people and this type of mobile unit requires the support of central preparation facility” for “pushcart”.
- (112) Added definition for “ratite”.
- (118) Added Definition for “Re-Service”
- (123) Included roadside food vendor as a mobile food establishment.
- (128) Changed definition of “Service animal” to ADA definition.
- (133) Added acronym “STEC”

- (139) Added a definition of “Sous vide packaging”.
- (140) Added a definition of “Specialized processing method”.
- (144) Added Definition of Time/ Temperature control.
- (147) Added definition of “Vacuum packaging”.
- (149) Changed definition of “Vending machine” and exclude vending machines with NTCS and pre-packaged NTCS foods.

Subchapter B - Management and Personnel

§228.33 Certified Food Protection Manager and Food Handler Requirements

- Added new requirements for Certified Food Protection Manager that requires a CFM on site for each licensed establishment.
- Added a new requirement that all food employees shall successfully complete a food handler training course, accredited by the department, within 60 days of employment. Takes effect on September 1, 2016.
- Added requirements for the “original” certified food protection manager certificate being posted conspicuous to customer’s location.
- Added requirement for food handler certificates to be located on site.

§228.35 Responsibilities and Reporting Symptoms and Diagnosis

- This section was significantly revised to reflect the requirements for Conditions of Exclusions and Restrictions in accordance with the 2013 FDA Model Food Code by grouping together are responsibilities and requirements.
- Responsibility of Permit Holder, Person in Charge, and Conditional Employees now in 6 diagnosed illnesses. Norovirus, Hepatitis A, Shigella, STEC, and Salmonella typhi, now includes nontyphoidal Salmonella.

§228.36 Conditions of Exclusions and Restrictions

- This section was significantly revised to reflect the requirements for Conditions of Exclusions and Restrictions in accordance with the 2013 FDA Model Food Code.

§228.37 Managing Exclusions and Restrictions

- This section was significantly revised to reflect the requirements for Managing Exclusions and Restrictions in accordance with the 2013 FDA Model Food Code.

§228.38 Hands and Arms

- Provision added for the use of a disposable paper towel or similar clean barrier when touching surfaces such as manually operated faucets.
- Inclusion of “surrogate prosthetic devices” for hands and arms.
- Hand antiseptics must now meet specific requirement for use.
- Inclusion of using a “clean barrier” to touch surfaces after proper handwashing.

§228.45 Contamination Events

- Added new Section “Contaminations Events” for the clean-up of vomit and diarrheal events in a food establishment.

Subchapter C - Food

§228.62 Approved Sources

- Inclusion of “wild mushrooms” for sale or service by a food establishment.

§228.63 Specifications for Receiving

- Examples of evidence of previous temperature abuse provided.

§228.64 Molluscan Shellfish, Original Container and Records

- Shellstock tags must now be labeled with date the last shellstock from the container was served and maintain 90 days from that date.

§228.65 Preventing contamination by employees

- Added the requirement that the permit holder must obtain prior approval from the regulatory authority before conducting bare hand contact activities with ready-to-eat foods.

§228.66 Preventing food and ingredient contamination

- Frozen, commercially processed and packaged raw animal foods may now be stored or displayed with or above frozen, commercially processed and packaged ready-to-eat food.

§228.68 Preventing contamination from equipment, utensils, and linens.

- Single use disposable sanitizer wipes may now be used if done in accordance with EPA approved manufacturer's label use instructions. These may not be used in lieu of wash, rinse, and sanitizing.
- Take-home food establishment containers may now be reused if they are constructed for reuse, provided by the food establishment, returned to the food establishment after use, visually inspected by the food establishment before reuse and properly washed, rinsed, and sanitized before refilling.
- Take home containers for beverages may be refilled if it is a non-TCS food, the container is durable for cleaning at home or in food establishment, and is filled by the owner only if a system exists that allows a contamination free refill.

§228.71 Cooking

- Non-continuous cooking now only requires a re-heat, not to 165°F as previously required for all reheats, but only to the required cooking temperature for that particular food.

§228.72 Freezing

- Freezing for parasite destruction includes a new provision allowing storage for destruction at -20°F or below for a minimum of 24 hours.
- If specific fish, listed in (a)(2)(C) of this section, are raised and fed for service or sold as raw, raw-marinated, partially cooked, or marinated-partially cooked fish in ready-to-eat form, a written agreement or statement from the supplier or aquaculturist shall be provided and maintained for 90 days.

§228.75 Temperature and time control

- More requirements were added for “time as a public health control” for cold foods. Cold foods may now be held without temperature control for up to 6 hours or up to 70°F if removed from refrigeration at 41°F, documented and monitored.

§228.77 Clostridium botulinum and Listeria monocytogenes controls

- This section was significantly revised to reflect the requirements for Clostridium botulinum and Listeria monocytogenes control in accordance with the 2013 FDA Model Food Code
- Reduced oxygen packaging (ROP) previously had one category (double barrier) and is now divided into three categories; double barrier, single barrier (cook-chill and sous vide)

and 48 hour ROP. All categories would have previously required a HACCP plan but now 48 hour ROP does not.

§228.79 Labeling

- Added new requirements for food labeling for major food allergens to be in the ingredients unless stated in the common name.

Subchapter D. Equipment, Utensils, and Linens

§228.105 Accuracy of temperature measuring devices, food.

- Pressure measuring devices for mechanical warewashing equipment are now required to register in the range indicated on the manufacturer's data plate instead of previous being required to register in a range of 15-25.

§228.111 Equipment, maintenance and operation.

- Added requirements for sanitizing chemicals, constituted on site at the food establishment, meeting the concentration requirements of this section.

§228.112 Utensils and temperature and pressure measuring devices.

- Food temperature measuring devices now must be calibrated in accordance with manufacturer's specifications.

§228.125 Preventing Contamination

- Exposed, unused tableware must now be changed between customers or washed, rinsed and sanitized if used.
- Added language for usage of chemically treated towelettes: "If approved by the regulatory authority, when no food exposure exists and handwashing sinks are not conveniently available, such as in some Mobile Food Units or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing."

Subchapter E. Water, Plumbing, and Waste.

§228.146. Plumbing design, construction, and installation.

- Changed the requirement for plumbing systems from according to law to according to the plumbing code (see definitions section).

§228.147. Plumbing, numbers and capacities.

- Added a restriction that states toilets, urinals, and showers cannot be used as a service sink.

§228.149 Plumbing operations and maintenance.

- Mobile food establishment inlet tanks must now be labeled as "Potable Water".

Subchapter F. Physical Facilities.

§228.173 Floors, walls and ceilings.

- Added words “anti-slip floor coverings” requirements in food establishments.

§228.174. Functionality.

- Added section for toilet room exceptions that do not require a tight-fitting and self-closing door if located outside a food establishment or such as a shopping mall.
- Outdoor servicing areas will now require overhead protection.

§228.175. Handwashing sinks.

- New provisions allowing for automatic hand washing facilities if approved by the regulatory authority.
- For mobile food operations and temporary food operations, if approved by the regulatory authority, when food exposure is limited, employees may use chemically treated towelettes for handwashing.
- Hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures are now allowed.

§228.177 Lighting, intensity.

- Minimum light intensity requirements were changed for walk-in refrigeration units, dry storage areas, buffets, salad bars, reach-in and under counter refrigerators, area for ware washing, equipment storage and toilet rooms.

§228.186 Premises, building, systems, room, fixtures, equipment, devices, and materials.

- New language requiring plumbing fixtures such as handwashing sinks, toilets, and urinals to be cleaned as often as necessary to keep them clean.
- New language requiring the presence of insects, rodents, and other pests be controlled to eliminate their presence

Subchapter G. Poisonous or Toxic Materials.

§228.206 Chemicals.

- Chemicals used to wash or peel raw, whole vegetables must be approved additive and now include Ozone as an approved antimicrobial agent.

§228.210 First aid supplies. Availability.

- Added section requiring a first aid kit in food establishments.

Subchapter H. Requirements Applicable to Certain Establishments.

§228.221. Mobile Food Units, Requirements

- Added a paragraph requiring Mobile Food Units (MFU) to demonstrate they are readily moveable at license renewal.
- During the initial permitting of a mobile food establishment they must provide documentation of a Certified Food Protection Manager Certification, an approved central preparation facility, if needed, a copy of the last central preparation facility inspection report, a servicing area authorization, and a menu.
- MFU's must demonstrate equipment for cooling and heating food, and holding cold and hot food are sufficient in number and capacity to provide food temperatures.
- Mobile food establishment outlet tanks must now be labeled as "Waste Water".
- Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.
- Removed requirement for a signed letter of authorization to “may” require, allowing the regulatory authority the ability to require signed letters of authorization.

§228.222. Temporary Food Establishments.

- Foods that are not prepared on site or that require extensive preparation or cooking must be prepared at a licensed food establishment.
- Temporary establishments may be required by the regulatory authority to have at least one person on site that has an accredited food handler certification.
- Added “tarps” as an example of suitable materials.

§228.223. Bed and Breakfast.

- Title of Section changed from Bed and Breakfast Extended Establishments to Bed and Breakfast.
- Added a Certified Food Manager requirement for Bed and Breakfast Limited Establishments.

§228.225 Micro Markets. - New Section Name change to Self Service Food Market

- New section added for Self-Service Food Markets (Micro Markets) and Requirements.
- Added requirement for providing video surveillance tapes for a period of fourteen (14) calendar days.

Subchapter I. Compliance

§228.244. Facility and Operating Plans

- Added new paragraphs that deal with plan review and the context of plans and specifications. The wording in these sections were changed from shall to may.

§228.249 Inspection Frequency performance-based and risk-based.

- Added new language changing to risk based inspection intervals to allow a risk-based inspection interval other than every 6 months as long as specific provisions are met.
- New language requiring the regulatory authority to periodically inspect temporary food establishments.

§228.251 Report of Findings.

- Critical items changed to “critical violations/priority items, priority foundation and /core/ non-critical items.” Updated to use of priority items, priority foundation items and core items by removing “critical violations and non-critical items”.

§228.253 Priority Item/Priority Foundation Item/Critical violations, time frame for correction.

- New requirement for permit holder to correct violations within 72 hours for priority items. Language changed to reflect three (3) days instead of 72 hours to be consistent throughout the document.

- New requirement for permit holder to correct violations within 10 days for priority foundation items.

§228.254 Core Items violations, time frame for correction.

- New requirement for permit holder to correct violation within 90 days or the next inspections (whichever comes first).

§229.173. Heimlich maneuver Poster. - Section Removed. (TFER 2006)

Subchapter J. Private Water Systems - New Subchapter provisions about Private Water Wells.

- The Texas Food Establishment rules contain no provisions to ensure safe drinking water systems at Food Establishments utilizing private, non-regulated water wells.
- Food Establishments with private water wells not regulated by the Texas Commission on Environmental Quality may need to upgrade their systems to meet new water supply regulations. This may include installing an automatic chlorinator and periodically testing the water quality (every months bacteriological testing estimated to be \$10/month/operating month and \$100/every three years for a chemical analysis).