TOWN OF ADDISON, TEXAS

ORDINANCE NO.	
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AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 46 TO ADOPT THE 2105 TEXAS FOOD ESTABLISHMENT RULES TO REGULATE FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, TEMPORARY FOOD ESTABLISHMENTS, MOBILE FOOD UNITS AND ROADSIDE VENDORS; PROVIDING A SAVINGS CLAUSE; ESTABLISHING LOCAL AMENDMENTS TO THOSE RULES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") has previously adopted the 2006 Texas Food Establishment Rules to regulate food service establishments in the city; and

WHEREAS, the City desires to update its food establishment rules to adopt the 2015 Texas Food Establishment Rules adopted by the State of Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:

Section 1. The Code of Ordinances (the "Code") of the Town of Addison, Texas Chapter 46, Health and Sanitation, Section 46-31 is hereby amended to read in its entirety as follows:

Sec. 46-31. - Adoption of state rules on food establishment sanitation.

The Texas Food Establishment Rules ("Rules") adopted by the Texas Department of State Health Services at 25 Tex. Admin. Code Ch. 228 as amended herein are hereby adopted as the rules for food sanitation. A copy of the rules shall be kept and maintained in the office of the city secretary

Section 2. The Code of Ordinances (the "Code") of the Town of Addison, Texas Chapter 46, Health and Sanitation, Section 46-32(a) is hereby amended to read in its entirety as follows:

Sec. 46-32. - Food service regulations.

- (a) Generally. The rules are hereby amended as follows:
 - (1) 25 Tex. Admin. Code 228.2 (116) of the Rules, "Regulatory Authority", is amended to read as follows:
 - "(116) Regulatory authority. The Town of Addison Environmental Services Dept."
 - (2) 25 Tex. Admin. Code 228.250(a) of the Rules, Competency of Inspectors and Access
 - "(a) Food establishment inspector qualifications. An individual conducting inspections..."

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(3) 25 Tex. Admin. Code 228.150(d) of the Rules, "Grease trap" is amended to read as follows:

"(d)

- (a) Grease traps; garbage grinders. If a food establishment is required to install, a grease trap or grease interceptor, the trap or interceptor shall be located and sized according to the specifications for the regulatory authority. Food Service establishments with seating capacity of 50 or more, are required to have a 750 lb. capacity grease trap, unless otherwise decided up by the regulatory authority. Grease traps should be located out of doors in a location easily accessible for cleaning.
- (b) Garbage grinders. Garbage grinders are not allowed in new, extensively remodeled or reoccupied food service facilities. If used and allowed by law, garbage grinders shall be maintained according to law."
- (4) 25 Tex. Admin. Code 228.106(x) of the Rules, "Food equipment certification, classification, acceptability", is amended to read as follows:
 - "(x) Food equipment certification, classification, acceptability. Food equipment installed in an establishment after the adoption of these rules, and food equipment in new or extensively remodeled establishments shall be of National Sanitation Foundation or equivalent approval. Any other equipment is subject to approval by the Town of Addison."
- <u>Section 3.</u> <u>Recitals.</u> The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.
- Section 4. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.
- <u>Section 5.</u> <u>Severability</u>. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6.	<u>Penalty</u> . Any	person, firm,	or corporation	violating any	of the provi	isions of this
ordinance shall be de	emed guilty of a	a misdemeanor	and upon conv	viction shall be	punished by	a fine not to
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exceed the sum of Five Hundred Dollars (\$500.00) for each offense and each and every such day such offense shall continue shall be deemed to constitute a separate offense.

<u>Section 7.</u> <u>Effective Date</u>. This Ordinance shall take effect on September 30, 2016 and after publication as required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 26th day of April, 2016.

	Todd Meier, Mayor	
	Town of Addison, Texas	
ATTEST:		
Laura Dall City Cagratary		
Laura Bell, City Secretary		
APPROVED AS TO FORM:		
Brenda N. McDonald, City Attorney		