

ORDINANCE NO. _____

An ordinance amending Dallas City Code by amending Chapter 17, “Food Establishments;” amending Section 50-157, 50-159, and 50-160 of Chapter 50, “Consumer Affairs;”; adopting food establishment rules promulgated by the Texas Department of State Health Services; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 88th Texas Legislature met in regular session between January 14, 2025 and June 2, 2025; and

WHEREAS, S.B. 1008 was filed on January 29, 2025; and

WHEREAS, S.B. 1008 provides state and local authority to regulate the food service industry; and

WHEREAS, S.B. 1008 was approved by both chambers of the Texas Legislature; and

WHEREAS, S.B. 1008 was signed by Governor Greg Abbott on May 19, 2025 and took effect on September 1, 2025; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“CHAPTER 17

FOOD ESTABLISHMENTS

ARTICLE I.

FOOD ESTABLISHMENTS GENERALLY.

SEC. 17-1.1. PURPOSE.

The purpose set forth in Selection 228.1 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference.

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.

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.

SEC. 17-1.4. CHAPTER CUMULATIVE.

The provisions of this chapter ~~[and other city ordinances]~~ are cumulative of state law.~~[, and~~ ~~§] This chapter does not prevent enforcement of other city ordinances that do not regulate food safety or food establishment operations preempted by state law [another city ordinance that regulates an area covered by this chapter and is otherwise applicable].~~

SEC. 17-1.5. DEFINITIONS.

(a) Except for the terms defined in Subsection (b), the definitions set forth in Section 228.2 of the Texas Food Establishment Rules, as amended, are hereby adopted and made a part of this chapter by reference. The additional administrative terms set forth in Subsection (b) apply solely for the administration of this chapter and do not establish substantive requirements beyond those imposed by state law.

(b) In addition to the definitions adopted in 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) ~~COMMERCIALLY MANUFACTURED means the vehicle or trailer was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle or trailer by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles or trailers as mobile food preparation vehicles or trailers for sale or compensation.]~~

(2[4]) COMMISSARY means a food establishment that serves as an operating base for a mobile food unit and where:

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

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

(3[5]) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(4[6]) 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.

~~[(7) EXTENSIVELY REMODELED means the expenditure of at least \$25,000 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.~~

~~(8) 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; mobile food unit; 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, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.~~

~~(D) The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.~~

~~(9) MOBILE FOOD PREPARATION TRAILER means a commercially-manufactured enclosed or partly enclosed mobile food unit that complies with the construction and operation standards of this article for a Class IV mobile food unit and is readily movable by means of pulling to locations for operations as a mobile food preparation trailer.~~

~~(10) MOBILE FOOD PREPARATION VEHICLE means a commercially-manufactured, motorized mobile food unit in which food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.~~

~~(11) MOBILE FOOD UNIT means a vehicle mounted, self or otherwise propelled, self contained food service operation designed to be readily moveable (including catering trucks, trailers, and pushcarts) and used to store, prepare, display, serve, or sell food to an ultimate consumer. The term includes, but is not limited to, Class I and Class II pushcarts and Class III and Class IV mobile food preparation trailers and vehicles. A mobile food unit does not include a stand or a booth.~~

~~(A) Mobile food unit classifications:~~

~~(i) Class I units may only sell pre-packaged foods and beverages from a pushcart. This class includes vegetable and fruit vendors.~~

~~(ii) Class II units are any mobile food unit that is not a Class I, Class III, or Class IV mobile food unit. Class II units may only have a hot or cold holding display for unpackaged foods. Limited cooking and preparation are allowed onboard the pushcart such as boiling, heating, and steaming. Flat top grilling is prohibited.~~

~~(iii) Class III units are a mobile food preparation trailer that may cook in an external covered area such as a barbeque pit or wood fired pizza ovens, where all food preparation, assembly, and service is done in an enclosed area on board the unit. This class includes a non-motorized mobile food unit that is readily movable such as a trailer or shipping container.~~

~~(iv) Class IV units are units that are fully enclosed that meet all the safety equipment and standards as a brick and mortar unit. This class includes a restaurant on wheels or a mobile food preparation vehicle.~~

~~(12) 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.~~

~~(13) PERMIT means the document issued by the department that authorizes a person to operate a food establishment.~~

~~(14) 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.~~

~~(15) 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.~~

~~(16) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.~~

~~(17) REGULATORY AUTHORITY means the director.]~~

~~(5[18]) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.~~

(6[19]) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.

~~(7[20]) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.~~

~~[(21) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.~~

~~(22) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.~~

~~(23) 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 "Neighborhood Market" as defined in Section 42A-2 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 market for which a permit has been issued under Chapter 42A of this code; or~~

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

~~(8[24]) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended and Title 25 Texas Administrative Code, Chapter 229, Subchapters U and Z, as amended.~~

~~[(25) VARIANCE means a written document issued by the department that authorizes a modification or waiver of one or more requirements of the code if, in the opinion of the department, a health hazard or nuisance will not result from the modification or waiver.]~~

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 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) 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 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 a time/temperature control for safety food, as that phrase is defined in the Texas Food Establishment Rules, as amended, 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) handwashing 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 handwashing; and

(bb) soap and individual paper towels;

(G) properly disposed of any wastewater generated from any handwashing 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 stormwater 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.

SEC. 17-1.7.

ADOPTION OF FOOD CODE.

The 2017 Food Code, as amended, and adopted by reference in Texas Food Establishment Rules, 25 Texas Administrative Code § 228.1(b), is hereby adopted and made a part of this chapter by reference.

ARTICLE II.

MANAGEMENT AND PERSONNEL.

SEC. 17-2.1.

ADOPTION OF SUBCHAPTER B, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter B of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference~~[, except that Section 228.32 and Subsection 228.38(c) are not adopted]~~.

SEC. 17-2.2.

Reserved [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 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 time/temperature control for safety food including meat, poultry, eggs, and fish;~~

(7) ~~stating the required temperatures and times for safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety 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.~~

~~(e) Registered food service managers.~~

~~(1) Registered food service manager 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 manager certificate issued by the Texas Department of State Health Services.~~

~~(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 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) 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 allergen awareness poster requirement.~~

~~(1) All retail and food establishments shall display a food allergen awareness poster in an area that is regularly accessible to food service employees.~~

~~(2) The poster must be identical or substantially similar to the sample food allergen awareness poster provided by the Texas Department of State Health Services (DSHS) and must include, at a minimum, the following information:~~

~~(A) A list of the eight major food allergens recognized by the Food and Drug Administration (FDA): milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.~~

~~(B) A description of the health risks associated with food allergens.~~

~~(C) Instructions for proper handling of food to prevent cross-contact with allergens.~~

~~(3) The food allergen awareness poster must be:~~

~~(A) clearly visible and legible to all food service employees;~~

~~(B) located in a designated area such as the kitchen, employee break room, or food preparation area; and~~

~~(C) maintained in good condition, with legible text and graphics.~~

~~(4) The responsibility to ensure the proper display and maintenance of the food allergen awareness poster lies with the person in charge of the food establishment.~~

~~(5) Failure to comply with this subsection constitutes a violation of the code.~~

ARTICLE III.

FOOD.

SEC. 17-3.1. ADOPTION OF SUBCHAPTER C, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter C [~~including Figure 1: 25 TAC § 228.71(a)(1)(B), Figure 2: 25 TAC § 228.71(a)(2)(A), and Figure 3: 25 TAC § 228.71(a)(2)(B)~~] of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference[~~, except that Section 228.65(a) is not adopted~~].

SEC. 17-3.2. Reserved [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 Section 228.38(a) of the Texas Food Establishment Rules (relating to management and personnel).~~

~~(B) Except when washing fruits and vegetables as specified in Section 228.66(e) 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.~~

~~(e) 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 Section 228.106(v) 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 food. A food establishment that serves, sells, or distributes time/temperature control for safety 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 Class II mobile food unit; 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).]~~

ARTICLE IV.

EQUIPMENT, UTENSILS, AND LINENS.

SEC. 17-4.1. **ADOPTION OF ~~[SUBCHAPTER D,]~~ TEXAS FOOD ESTABLISHMENT RULES.**

Chapter 4 of the 2017 Food Code as adopted by [Subchapter D [including Figure 1: 25 TAC § 228.101(e)(1) and Figure 2: 25 TAC § 228.111(n)(1)] of] the Texas Food Establishment Rules, 25 Texas Administrative Code, § 228.1(b), as amended, is hereby adopted and made a part of this chapter by reference~~[, except that Section 228.109(e) is not adopted].~~

SEC. 17-4.2. **Reserved [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 Subsection 228.101(a) and Section 228.102 of the Texas Food Establishment Rules; and~~

~~(2) enables the equipment to perform the function for which it is used, intended, or designed.]~~

ARTICLE V.

WATER, PLUMBING, AND WASTE.

SEC. 17-5.1.

ADOPTION OF SUBCHAPTER E, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter E of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference~~[-except that Paragraphs 228.143(a)(1) through (3) and Subsections 228.146(b) and Subsection 228.147(e) are not adopted].~~

SEC. 17-5.2.

Reserved [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) Handwashing lavatory, water temperature, and flow.~~

~~(1) A handwashing 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.~~

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

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

~~(4) For extensively remodeled food establishments, a handwashing lavatory must be located within 25 linear feet of a food preparation area.~~

~~(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.~~

~~(e) Grease traps/interceptors. For extensively remodeled food establishments, and unless otherwise approved by the director, a food establishment must locate grease traps/interceptors outside the food establishment so that they are easily accessible for cleaning. Grease traps/interceptors located inside the food establishment with the director's approval must have a liquid-tight lid flush attached to the floor that prevents contamination of food or equipment.~~

ARTICLE VI.
PHYSICAL FACILITIES.

SEC. 17-6.1. ADOPTION OF SUBCHAPTER F, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter F of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference~~[-except that Sections 228.172 and 228.173 are not adopted]~~.

SEC. 17-6.2. Reserved [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 units 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 Subsections 228.155(a) through (e) 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 nonsupporting 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 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.~~

~~(d) Location of certain equipment. For extensively remodeled food establishments, a food establishment must:~~

~~(1) locate equipment used for a work surface on which food is prepared (e.g., a meat or vegetable cutting block or bakers table) within five feet of a floor drain so that it may be properly cleaned;~~

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

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

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

~~(5) not locate equipment, including ice makers and ice storage equipment, under exposed or unprotected sewer lines or water lines, open stairwells, or near other sources of contamination, excluding automatic fire protection sprinkler heads.~~

~~(e) Auxiliary equipment for extensively remodeled food establishments.~~

~~(1) Except as otherwise provided in this subsection, a food establishment may not locate non food service equipment (e.g., water heaters, laundry machines, remote connected refrigerator compressors, or air conditioners) inside a food preparation area unless 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 with walls or partitions constructed of rigid, smooth, non-absorbent, easily cleanable materials.~~

~~(3) If a food establishment uses mechanical laundry equipment, the food establishment must locate the equipment in a separate room with self-closing, solid doors that fit tightly at each entrance.]~~

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

SEC. 17-7.1.

ADOPTION OF SUBCHAPTER G, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter G of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference.

SEC. 17-7.2.

Reserved. ~~[ADDITIONAL REQUIREMENTS.]~~

~~Reserved.]~~

ARTICLE VIII.

MOBILE FOOD UNITS.

SEC. 17-8.1.

ADOPTION OF SECTION 228.221, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.221 of the Texas Food Establishment Rules, as amended, relating to mobile food units, is hereby adopted by reference and made a part of this chapter. The City of Dallas does not issue permits for or conduct inspections of mobile food units. Regulatory authority for mobile food units currently resides with Dallas County Health and Human Services, or such other governmental entity as may be designated by state law. The City of Dallas may assume regulatory authority in the future through an interlocal agreement or other legal mechanism, without the necessity of further amendment to this chapter ~~[by reference, except that Subsections 228.221(a), (b), and (c)(2), are not adopted].~~

SEC. 17-8.2.

Reserved ~~[ADDITIONAL REQUIREMENTS].~~

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

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

~~(1) Class I. A Class I mobile food unit is a mobile food unit from which only the following foods and beverages are served, sold, or distributed:~~

~~(A) Food that is prewrapped, bottled, or otherwise labeled and packaged in individual servings.~~

~~(B) Beverages that are not time/ temperature control for safety and are dispensed from covered urns or other protected equipment.~~

~~(C) Raw, uncut vegetables and fruits.~~

~~(2) Class II. Any mobile food unit that is not a Class I, Class III, or Class IV mobile food unit is a Class II mobile food unit.~~

(3) ~~Class III. A Class III mobile food unit is a mobile food preparation trailer meant to be pulled to locations that complies with the construction and operation standards for operating a mobile unit used for cooking, keeping, storing, or warming food or beverages.~~

(4) ~~Class IV. A Class IV mobile food unit is an operational, motorized mobile food preparation vehicle in which food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.~~

(c) Vehicles.

(1) ~~A food establishment that uses a vehicle in the operation of a mobile food unit 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) ~~keep proof of minimum vehicle insurance that is issued in at least six month increments;~~

(F) ~~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~~

(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 Class II mobile food unit 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 or fryer.~~

~~(4) In addition to other vehicle requirements of Section 17-8.2(c), a Class I mobile food unit 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 Class II units.~~

~~(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 unit. A person may not serve or distribute from a mobile food unit 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 Class I, Class II, Class III, or Class IV mobile food unit 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 unit's liquid waste retention tank; and~~

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

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

~~(g) Central preparation facility or commissary.~~

~~(1) Supplies, cleaning, and servicing operations.~~

~~(A) Except as provided in this paragraph, a mobile food unit 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. Pushearts must be stored at the commissary location when not in operation.~~

~~(B) A mobile food unit may report to the central preparation area, commissary, or other fixed food establishment for supplies, cleaning, and servicing operations at least once a week if the following conditions are met:~~

~~(i) the mobile food unit operator shall apply for a variance on a form provided by the director and shall include with the application all of the information required by Section 17-10.2(s) to be able to return to the commissary once per week;~~

(ii) ~~the mobile food unit is enclosed and complies with the health and safety standards of a fixed food establishment;~~

(iii) ~~all cleaning supplies must be disposable and discarded at the end of each operating day;~~

(iv) ~~the mobile food unit operator shall demonstrate that sanitary on-site servicing of the mobile food unit's potable water and wastewater systems are being conducted;~~

(v) ~~the mobile food unit operator must provide proof of weekly on-site servicing by a licensed permitted liquid waste transport vehicle, otherwise known as a vacuum truck, for the removal and disposal of liquid waste resulting from the mobile food unit and weekly commissary visits. The mobile food unit operator shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to the director or a peace officer upon request for inspection and copying at the mobile food unit during the mobile food unit's hours of operation;~~

(vi) ~~the commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the director. The permit holder, person in charge, employee, or representative of any commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the director, whichever comes first. Servicing records maintained at the commissary must be made immediately available to the director or a peace officer upon request for inspection and copying during normal business hours;~~

(vii) ~~servicing operations may be performed by the commissary operator or by the mobile food unit operator. The commissary operator must provide resources at the commissary for proper servicing. The mobile food unit operator shall confirm that the requirements of this section are fulfilled prior to resuming operations.~~

(2) ~~It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with this subsection.~~

(3) ~~The director may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The director may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this chapter.~~

(4) 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 units.

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

(A) Any person operating a motor vehicle as a mobile food unit must have a current driver's license. The permit holder must ensure that their vehicle drivers have a valid driver's license.

(B) Garbage storage containers must be maintained on each mobile food unit in a number sufficient to contain all trash and garbage generated by the unit. Every garbage container must have a tight-fitting lid. Before a mobile food unit 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 unit. All trash and garbage must be disposed of in an approved garbage receptacle.

(2) Class III and Class IV mobile food units. 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 Class III and Class IV mobile food unit must comply with the following requirements:

(A) A Class III and Class IV mobile food unit must have written authorization from the owner or person in control of each premises from which the Class III and Class IV mobile food unit will sell or serve food. The authorization must include the specific dates and times during which the Class III and Class IV mobile food unit 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 Class III and Class IV mobile food unit 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 Class III and Class IV mobile food unit and must be accessible during all times that the Class III and Class IV mobile food unit 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 Class III and Class IV mobile food unit under this chapter, an itinerary for the Class III and Class IV mobile food unit 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) No cooking may be conducted while the unit is in motion.~~

~~(D) All cooking equipment and hot holding units must be located at the rear of a mobile food preparation unit. 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 unit is in motion.~~

~~(E) A Class III and Class IV mobile food unit 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 Class III and Class IV mobile food unit; and~~

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

~~(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;~~

~~(vi) not utilize or park in any off street parking spaces required of the premise that authorizes the mobile food unit to sell or serve food;~~

~~(vii) comply with all applicable zoning, noise, and smoke regulations in the Dallas Development Code;~~

~~(viii) not have any external operational support equipment on the property including but not limited to tables, chairs, tents, over head coverings, refrigeration, freezers, generators, or dry storage units. All operations must be contained within the mobile food unit; or~~

~~(ix) have signs displayed only on the mobile food unit and the signs may not extend beyond the length, width, or height of the mobile food unit.~~

~~(F) It is a defense to prosecution under Section 17-8.2(h)(2)(F) that a Class III and Class IV mobile food unit was being operated in compliance with all terms and conditions of a valid special event permit issued by the city.~~

~~(i) Structural requirements for a Class II, Class III, or Class IV mobile food unit.~~

~~(1) A Class II, Class III, or Class IV mobile food unit 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 handwashing; the potable water supply tank must have a minimum capacity of:~~

~~(i) five gallons for a Class II mobile food unit; and~~

~~(ii) 30 gallons for a Class III and Class IV mobile food unit;~~

~~(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 or trailer is a Class III and Class IV mobile food unit 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 Class II mobile food unit 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 Class II, Class III, or Class IV mobile food unit, the unit 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 Class III or Class IV mobile food unit 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 or trailer 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 or trailer in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle or trailer 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 or trailer 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 or trailer 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 or trailer 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 or trailer 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 or trailer must be equipped with mechanical refrigeration equipment if time/temperature control for safety 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 or trailer, 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 or trailer must be equipped with a power source, approved by the director, that is capable of handling the power demands of the vehicle or trailer and equipment while the vehicle or trailer 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 Class II, Class III, or Class IV mobile food unit that does not comply with the requirements of Section 17-8.2(i).~~

~~(j) Servicing requirements for a Class II, Class III, or Class IV mobile food unit.~~

~~(1) A food establishment that serves, sells, or distributes any food or beverage from a Class II, Class III, or Class IV mobile food unit shall comply with the following regulations:~~

~~(A) Servicing area. The food establishment shall provide a servicing area where every Class II, Class III, or Class IV mobile food unit 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) Service 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 Class II, Class III, or Class IV mobile food unit 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 Class II, Class III, or Class IV mobile food unit 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 Class II, Class III, or Class IV mobile food unit if the food establishment does not supply, clean, or service the Class II, Class III, or Class IV mobile food unit in accordance with Section 17-8.2(j).~~

(k) Annual food permit eligibility. ~~A mobile food unit is eligible for an annual food permit if the mobile food unit complies with all the construction standards for its classification.]~~

ARTICLE IX.

TEMPORARY FOOD ESTABLISHMENTS AND CATERING SERVICES.

SEC. 17-9.1. ADOPTION OF ~~[ELECTION NOT TO ADOPT]~~ SECTION 228.222, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.222 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference ~~[is not adopted]~~.

SEC. 17-9.2. Reserved ~~[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 the:~~

~~(1) director finds that the operation will not result in a health or safety hazard or a nuisance;~~

~~(2) operation is limited to a single, fixed location, which may include one or more facilities at the location;~~

~~(3) 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) A vendor must submit a copy of:~~

~~(i) its current local health permit and a copy of its last health inspection from the local health department where the vendor is located or, if the vendor does not have its own licensed kitchen, then the vendor shall provide a permission letter from the owner of the kitchen where the food items will be prepared; and~~

~~(ii) an invitation or similar document from the event organizer granting the vendor permission to participate in the event; and~~

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

~~(4) 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) completed application for the permit to operate a temporary food service establishment is received by the director at least five business days before the scheduled commencement of the activity or event for which the permit is issued.~~

~~(a-1) Food booths. A permit issued under this section is valid for up to five food booths. This permit is in addition to any other requirement in this chapter, including Section 17-10.2, "Temporary Food Service Fee," of this chapter, as amended.~~

~~(b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety 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 six time/temperature control for safety 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 time/temperature control for safety food, except that an establishment may prepare time/temperature control for safety 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 time/temperature control for safety 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 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) ~~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) ~~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) ~~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) ~~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) 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 15 x 15 square foot space, unless the event planner provides 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) 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) 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) 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) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.~~

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

~~(9) 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.~~

~~(10) A state approved food handler training class shall be required for all food handlers that take part in a temporary event that exceeds 14 consecutive calendar days in length. Proof of course completion must be provided to the director upon request.~~

~~(11) A temporary event that exceeds four hours, is granted a variance under this chapter, or where special food handling and preparation processes are requested, will be required~~

~~to have one or more food inspector(s) on site, for a maximum of eight hours each day, at the expense of the event planner. There is no fee for the first four hours and a non-refundable fee of \$57 per hour will be assessed to the event planner for every hour over four hours that the event is operational including set-up time.~~

~~(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.]~~

SEC. 17-9.3

REQUIREMENTS FOR CATERING SERVICES.

Catering services must comply with the applicable requirements of the Texas Food Establishment Rules, as amended.

~~[(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.]~~

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

SEC. 17-10.1.

ADOPTION OF SUBCHAPTER I, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter I of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference[, ~~except that Figure 1: 25 TAC § 228.251(f) is not adopted~~].

SEC. 17-10.2.

Reserved [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 unit.~~

~~[(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) ~~(Reserved.)~~

(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 unit 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 unit 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	Class I and Class II Mobile Food Unit	Class III and Class IV Mobile Food Unit
Application Fee	\$197	\$121	\$481
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	\$199		

(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) ~~In general. Except as provided in this paragraph, a request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$562 for a mobile food unit.~~

(B) ~~Class II mobile food unit limited to a coffee cart. An application for approval of plans and specifications for a Class II mobile food unit limited to a coffee cart must be accompanied by a nonrefundable plan review fee of \$205.~~

(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 for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. 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 \$191 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) On-site food establishment risk profile assessment inspection. An on-site food establishment risk profile assessment inspection may be conducted when the establishment is newly opened, changes ownership, or experiences a substantial change in menu offerings or food handling processes. Inspection frequency is based on types of food preparation processes used by the food establishment, the food served and sold, the average number of meals served, and the population served. A non-refundable service fee of \$106.00 will be charged for each on-site food establishment risk profile assessment inspection.~~

~~(7) Entry of persons other than the director. 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 units.~~

~~(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$125 for each vehicle used to operate the service inside the city.~~

~~(2) Mobile food unit. A food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:~~

-

<u>Type of Operation</u>	<u>Each Vehicle</u>
Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$300
Class II mobile food unit	\$240
Class III and IV mobile food unit	\$185

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~~(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(e).~~

(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):~~

~~Risk Level One Establishment:~~

~~-~~

Area in square feet	Annual fee
1 to 2,000	\$141
2,001 or more	\$155

~~Risk Level Two Establishment:~~

~~-~~

Area in square feet	Annual fee
1 to 2,000	\$283
2,001 or more	\$308

~~Risk Level Three Establishment:~~

~~-~~

Area in square feet	Annual fee
1 to 2,000	\$468
2,001 or more	\$513

(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:~~

~~Risk Level One Establishment:~~

Area in square feet	Annual fee
1 to 2,000	\$141
2,001 or more	\$155

~~Risk Level Two Establishment:~~

Area in square feet	Annual fee
1 to 2,000	\$283

2,001 or more \$308

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	\$468
2,001 or more	\$513

~~(3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year. Failure to pay all fees by December 31 of the year can result in the establishment being subject to the preclosure process. Food establishments subject to the preclosure process shall pay the city a nonrefundable fee of \$158 and may receive citations for operating without a valid permit.~~

~~(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 \$217, plus \$28 for each day of operation for each facility from which the establishment is operated.~~

~~(2) A temporary food service establishment that offers only prepackaged foods from the manufacturer that are non-time and temperature controlled and with minimum handling and preparation may request a limited service food permit. The applicant for the food permit shall pay the city a nonrefundable permit fee of \$204, plus \$28 for each day of operation for each facility from which the establishment is operated.~~

~~(3) A maximum nonrefundable annual fee of \$356 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$388 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$100 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.~~

~~(4) 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 food; and~~

~~(B) the weekly gross income of which does not exceed \$100.~~

~~(j) Registration of food establishments outside the city.~~

~~(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; and~~

~~(B) 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. Fee payments will be applied to oldest outstanding balance first, if any.~~

~~(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 \$220, not more than seven days after the change.~~

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

~~(A) present to the director written permission for the survey or risk level assessment from the owner of the food establishment; and~~

~~(B) pay to the city a nonrefundable service fee of \$106.~~

~~(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 unit, 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 Subsection 228.243(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$591. The fee does not apply to mobile food units applying for a commissary variance pursuant to Section 17-8.2(g)(B)(i).~~

~~(2) The director may grant a variance by modifying or waiving the requirements of Subchapter I, Subsections 228.243(a) through (c), 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, Subsection 228.243(b), of the Texas Food Establishment Rules. A food establishment granted a variance shall comply with Subchapter I, Subsection 228.243(c), 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, vehicle specific, event specific, and location specific. If granted, the variance is valid for at least one year but not for more than two years. The variance expiration date must be printed on the variance and will remain effective 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) Reserved.~~

~~(8) Reserved.~~

~~(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.]~~

ARTICLE XI.

RESERVED. [HEIMLICH MANEUVER POSTER.

SEC. 17-11.1. ADOPTION OF SECTION 229.173, TEXAS FOOD ESTABLISHMENT RULES.

~~Section 229.173 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.~~

SEC. 17-11.2.

ADDITIONAL REQUIREMENTS.

(a) ~~General.~~ All food establishments that provide dining areas shall post the Heimlich maneuver sign in a place conspicuous to employees and customers.

(b) Specifications: The sign shall:

- (1) ~~be no smaller than 11 inches wide by 17 inches long;~~
- (2) ~~be printed in English and Spanish and in at least two conspicuous contrasting colors on a white background;~~
- (3) ~~provide major title and figure blocks in contrasting color to remaining copy blocks;~~
- (4) ~~provide major headings with a minimum bold 72 point font;~~
- (5) ~~provide initial subheadings with a minimum bold italic 60 point font;~~
- (6) ~~provide secondary subheadings with a minimum bold 24 point font; and~~
- (7) ~~provide a body copy in bold 14 point font.]~~

ARTICLE XII.

BED AND BREAKFAST EXTENDED ESTABLISHMENTS.

SEC. 17-12.1.

ADOPTION OF SECTION 228.223, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.223 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference.

SEC. 17-12.2.

Reserved. [ADDITIONAL REQUIREMENTS.

~~Reserved.]~~

ARTICLE XIII.

OUTFITTER OPERATIONS.

SEC. 17-13.1. ADOPTION OF SECTION 228.224, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.224 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference.

SEC. 17-13.2. Reserved. ~~[ADDITIONAL REQUIREMENTS.~~

~~Reserved.]~~

ARTICLE XIV.

SELF SERVICE FOOD MARKET.

SEC. 17-14.1. ADOPTION OF ~~[CHAPTER 228, SUBCHAPTER H,~~ SECTION 228.225, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.225 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference.

SEC. 17-14.2. Reserved. ~~[ADDITIONAL REQUIREMENTS.~~

~~Reserved.]”~~

SECTION 2. That Section 50-157, “Definitions,” of Division 1, “In General,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended to read as follows:

“SEC. 50-157. DEFINITIONS.

In this article:

(1) AGENT means any person employed by or contracting with:

(A) the holder of a central business district concession license to sell or distribute goods or services under the license; or

(B) any other street vendor.

(2) ARTS DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, Ross Avenue on the south, and St. Paul Street on the west.

(3) CBD CORE DISTRICT means the area of the city contained within the boundaries of the central business district, but that does not include the arts district and the West End district.

(4) CENTRAL BUSINESS DISTRICT (CBD) means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west. The central business district includes:

- (A) the arts district;
- (B) the CBD core district; and
- (C) the West End district.

(5) COMMERCIAL PRINTED MATTER means any printed or written matter, whether on a sample, device, dodger, circular, leaflet, pamphlet, paper, or booklet, and whether printed, reproduced, or copied, that:

- (A) advertises for sale any merchandise, product, commodity, or service;
- (B) directs attention to a business or commercial establishment or other activity for the purpose of either directly or indirectly promoting sales;
- (C) directs attention to or advertises a meeting, performance, exhibition, or event, for which an admission fee is charged for the purpose of private gain or profit, unless an admission fee is charged or a collection is taken up at the meeting, performance, exhibition, or event only for the purpose of defraying the expenses; or
- (D) while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(6) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(7) FOOD ESTABLISHMENT means a "food establishment" as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228 ~~[17 of this code]~~.

(8) GOODS means property of every kind.

(9) LICENSEE means a person issued a CBD concession license under this article.

(10) MOBILE FOOD ESTABLISHMENT means a “mobile food establishment” as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228 ~~[17 of this code]~~.

(11) PERSON means an individual, corporation, association, or other legal entity.

(12) PUBLIC PROPERTY means any property open or devoted to public use or owned by the city, including, but not limited to, sidewalks, streets, parkways, or esplanades.

(13) SERVICES means any work done for the benefit of another.

(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service. The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.

(15) VEHICLE means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(16) WEST END DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north; Lamar Street on the east; the MKT railroad tracks on the west; and a southern boundary consisting of and extending along Commerce Street from Lamar Street west to Austin Street, then along Austin Street north to Main Street, then along Main Street west to the MKT railroad tracks.”

SECTION 3. That Subsection (a) of Section 50-159, “Restrictions for Mobile Food Establishments,” of Division 2, “Vending on Public Property,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended to read as follows:

“(a) A mobile food establishment shall not occupy public or private property in the central business district for the purpose of serving, selling, or distributing any food or beverage unless the establishment is operating under the authority of and in compliance with:

(1) a valid CBD concession license issued under this article; and

(2) a valid mobile food establishment permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228 ~~[17 of this code]~~.”

SECTION 4. That Subsection (b) of Section 50-159, “Restrictions for Mobile Food Establishments,” of Division 2, “Vending on Public Property,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended to read as follows:

“(b) A general service mobile food establishment, as described in 25 Texas Administrative Code Section 228.221 ~~[17-8.2 of this code]~~, shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage.”

SECTION 5. That Subsection (b) of Section 50-160, “Vendors on Private Property,” of Division 3, “Vending on Private Property,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) of this section that:

(1) the business was authorized by a valid certificate of occupancy or was otherwise specifically allowed under the Dallas Development Code or another city ordinance;

(2) the person was conducting the street vending business in the central business district and:

(A) possessed a valid CBD concession license issued under this article;

(B) possessed a valid mobile food establishment permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228 ~~[17 of this code]~~, if the person was a mobile food unit ~~[establishment]~~;

(C) had the written permission of an owner of the private property on which the business was conducted; and

(D) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation; or

(3) the person was a mobile food establishment conducting the street vending business outside the central business district and:

(A) possessed a valid mobile food establishment permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228 ~~[17 of this code]~~;

(B) had the written permission of an owner of the private property on which the business was conducted; and

(C) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____