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Proposed Code Amendments: Chapter 50 - Street Vendor

Quality of Life, Arts, and Culture Committee

February 17, 2026

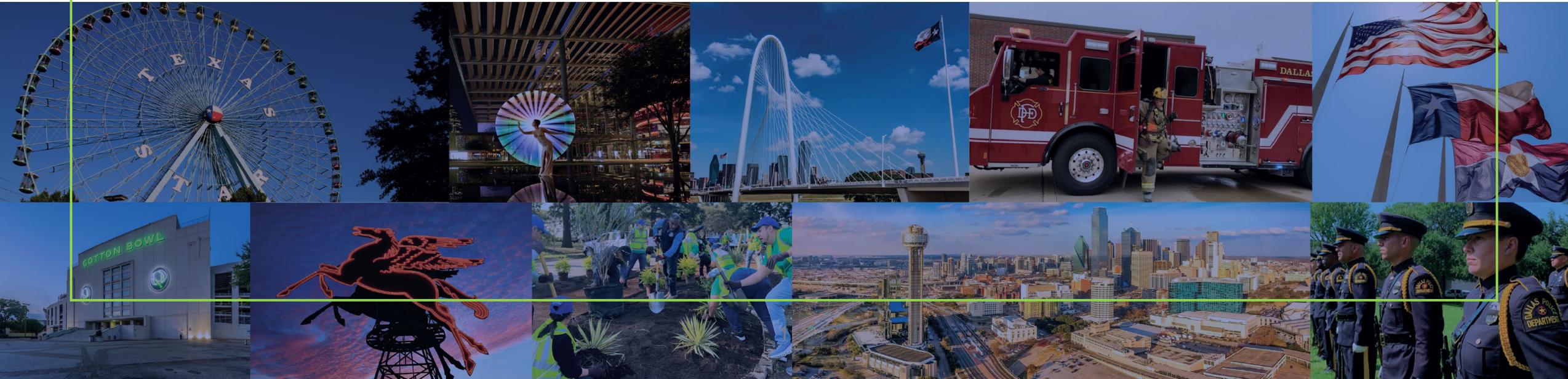


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Chapter 17 Update and Regulatory Reset

- In December 2025, the city updated Chapter 17 to comply with new state law, SB 1008.
- The city adopted the Texas Food Establishment Rules (TFER), creating a uniform statewide set of food safety standards and fees for all permitted food establishments (e.g., restaurants, caterers, food trucks).
- TFER applies only to permitted food establishments, not to street vendors including free food distribution.
- Charitable food distribution and street vending are no longer addressed in Chapter 17.

Street Vending Is Outside the Enforcement Scope of Chapter 17 and TFER

- Section 17-1.6 previously provided defenses to prosecution, including for people or groups who distributed food free of charge on public or private property, if they complied with basic public health and safety standards, including notice to the city, food safety training, food safety requirements, sanitation and hand hygiene, and clean-up.
- The defenses limit enforcement; they do not set affirmative obligations for street vendors.
- TFER does not regulate street vending or free food distribution.
- As a result, street vending falls outside the City's established food safety enforcement framework, leaving a regulatory gap that limits oversight and weakens critical protections for the vulnerable populations who may benefit from these safeguards.

Why Consider a Street Vendor Policy Update (Regulatory Alignment Framework)

- City Code Chapter 50 currently governs street vendor activity.
- Street vending is more appropriately aligned within Chapter 50.
- Street vending activity is widespread and shows seasonal increases.
- Current operating environment creates public health, safety, and sanitation concerns.
- Updates to Chapter 50 are necessary for monitoring and enforcement activities.

Why Consider a Street Vendor Policy Update (Public Health Risk to Vulnerable Populations)

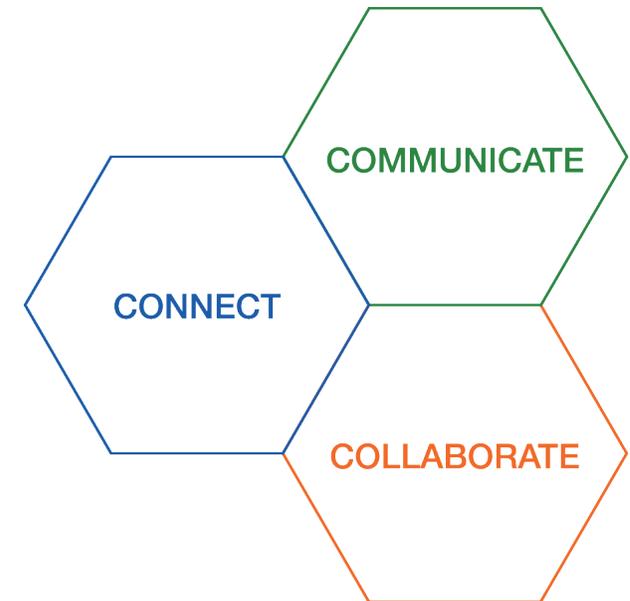
- Street vending including free food distribution have increased, occurring outside traditional food establishment settings.
- Individuals receiving food in these settings may include medically vulnerable populations who face heightened risk from foodborne illness.
- “Foodborne illness in compromised older adults may result in serious complications such as severe illness, need for hospitalization, or even death.” — **Texas Health and Human Services**, *Kitchen Sanitation & Food Safety* guidance. Source: [Kitchen Sanitation and Food Safety Evidence Based Best Practice Summary](#)
- The current framework does not ensure basic sanitation, temperature control, safe food handling, or traceability (because notification comes after the event).
- Without timely pre-event notification, food distribution activities occur outside the City’s awareness framework, limiting assurance that required food safety protections and other provisions have been met and creating a potential public health risk for vulnerable populations.
- Updating Chapter 50 allows the City to establish reasonable, narrowly tailored public health and sanitation safeguards to include vulnerable populations in an otherwise unregulated exchange.

Proposed Chapter 50 Amendment “Street Vendors”

- “Street Vendor” definition is expanded to include noncommercial, charitable distribution (“or the service or distribution of food or drinks free of charge”).
- A simple, low-burden permit is required for noncommercial distribution to establish a responsible party and ensure basic public health and safety standards.
- Prior Section 17-1.6, “Defenses for Certain Types of Activities,” are now affirmative requirements in Chapter 50 and are clear, objective, and easy to meet.

Authorization Framework and Permit Concept

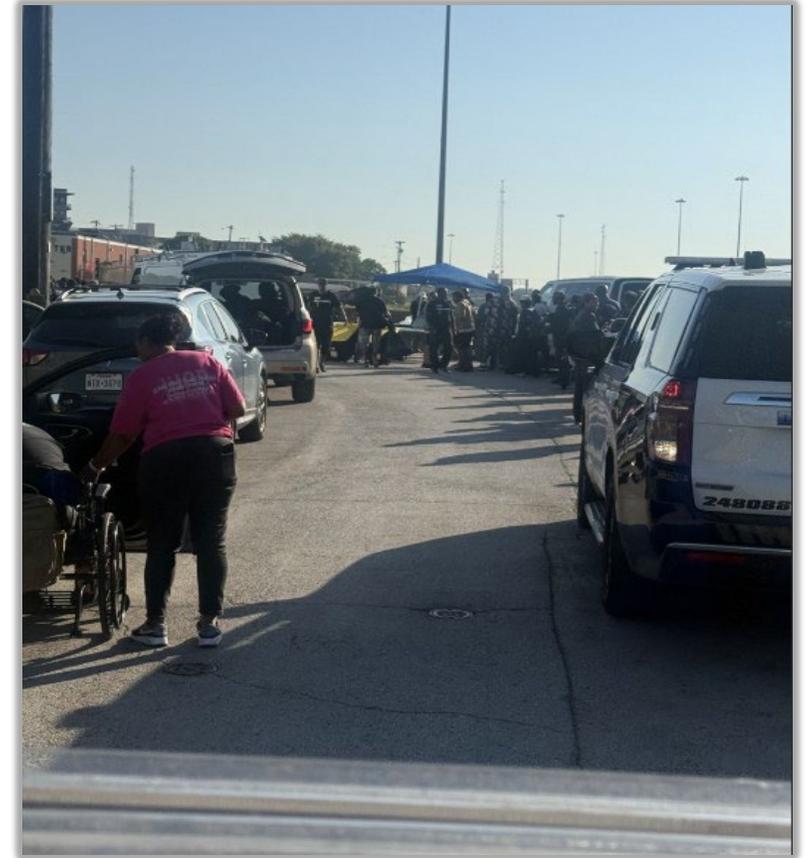
- Permit establishes:
 - A responsible party or organization
 - Location and frequency
 - Conditions tied to food safety and handling
- Permit is **not** a food establishment license.
- Permit does **not** impose commercial vendor operating standards.
- Permit supports consistent, citywide monitoring and administration while promoting health, safety, and sanitation standards.
- Permit applications meeting all requirements are automatically approved.



Key Policy Considerations

Option 1. Move certain defenses to prosecution in Section 17-1.6 to Chapter 50 because street vending is not regulated under TFER. In addition:

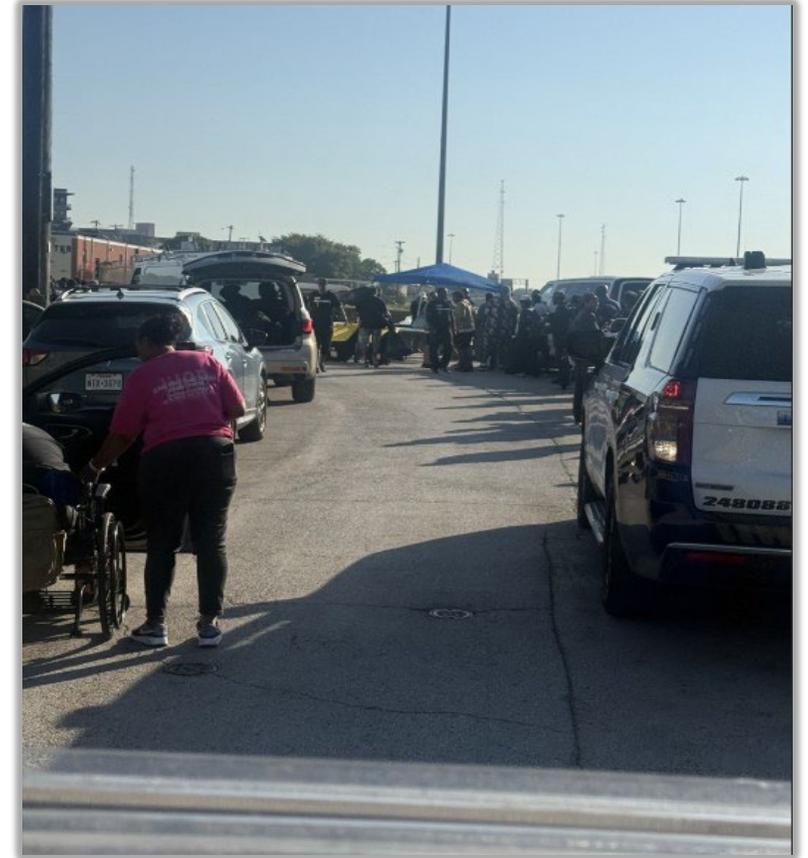
- Enhance "Street Vendor" definition to include the service or distribution of food or drink free of charge.
- Defenses to prosecution from Chapter 17 become affirmative requirements related to service or distribution of food or drink free of charge.
- Require simple, low-burden permit for noncommercial distribution to establish a responsible party and ensure basic public health and safety standards.



Key Policy Considerations

Option 2. Move certain defenses to prosecution in Section 17-1.6 to Chapter 50 because street vending is not regulated under TFER. (“as is”) In addition:

- Enhance "Street Vendor" definition to include the service or distribution of food or drink free of charge.



Communication, Outreach, and Implementation Approach

Option 1.

Propose Grace Period following ordinance effective date to support successful implementation

Ongoing Stakeholder Engagement & Education, including:

- Meetings with nonprofit partners and vendor organizations
- Direct outreach to known vendors and community partners

Development of New Permit System During Grace Period

- Updated permit application software
- Modernized permit issuance and tracking technology

Clear, Multi-Channel Communication of New Requirements

- Stakeholder engagement meetings
- City website updates and guidance materials
- Direct responses to inquiries from existing vendor organizations

Communication & Outreach

Option 2.

Continue Ongoing Stakeholder Engagement & Education, including:

- Meetings with nonprofit partners and vendor organizations
- Direct outreach to known vendors and community partners

Next Steps

Finalize Draft Ordinance

Incorporate any additional Committee input into draft ordinance language and supporting materials, as needed.

City Council Briefing

April 1, 2026

City Council Consideration

April 8, 2026



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Director
Code Compliance Services

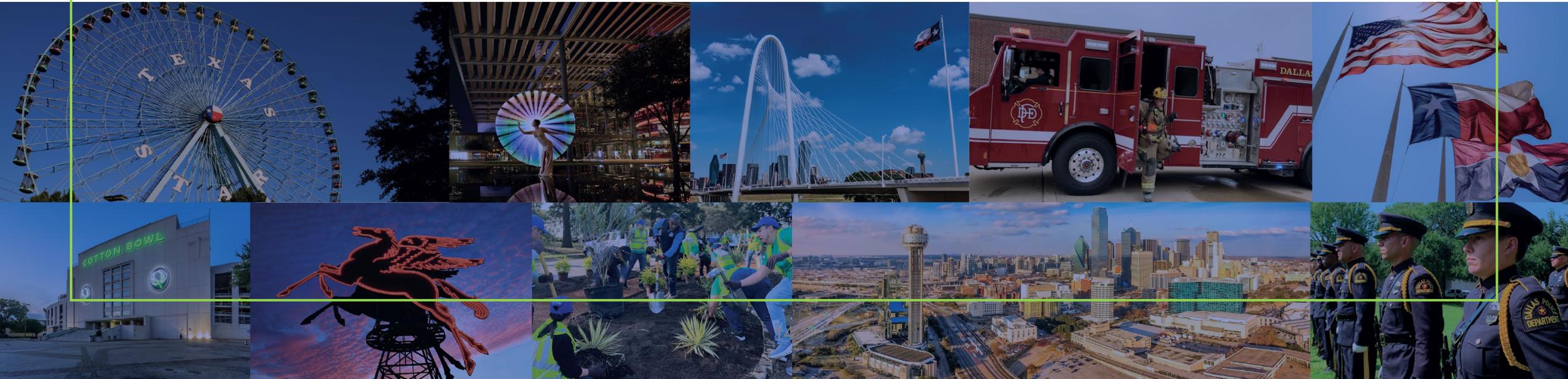
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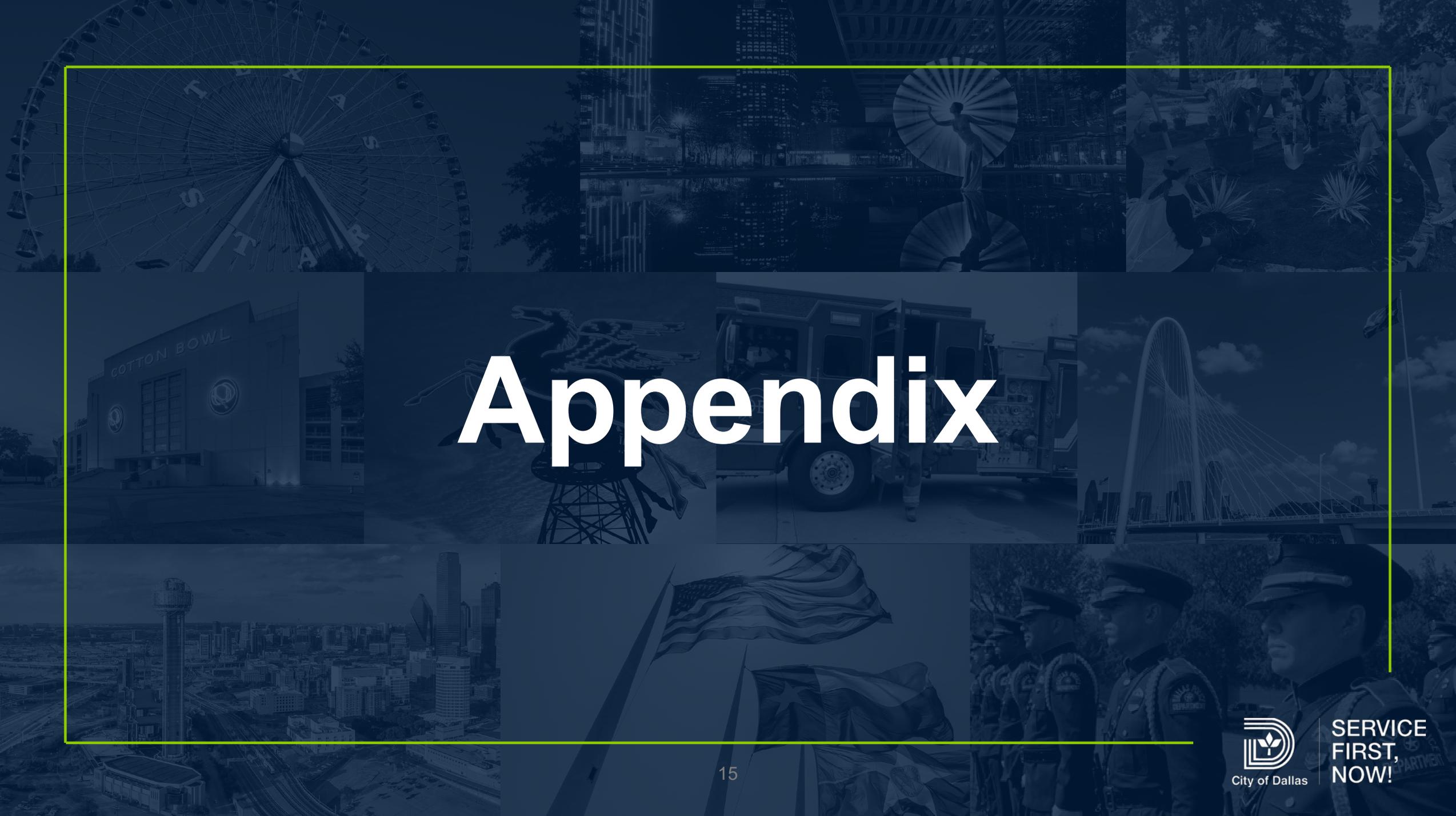
Assistant Director
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Proposed Code Amendments: Chapter 50 - Street Vendor

Quality of Life, Arts, and Culture Committee

February 17, 2026





Appendix

Appendix A – FDA Food Code (2017), Annex 3

Food Code, Annex 3 – Scientific Basis for Time and Temperature Safety Controls

Annex 3 Public Health Reasons/ Administrative Guidelines

CHAPTER 1 PURPOSE AND DEFINITIONS
CHAPTER 2 MANAGEMENT AND PERSONNEL
CHAPTER 3 FOOD
CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS
CHAPTER 5 WATER, PLUMBING, AND WASTE
CHAPTER 6 PHYSICAL FACILITIES
CHAPTER 7 POISONOUS OR TOXIC MATERIALS
CHAPTER 8 COMPLIANCE AND ENFORCEMENT

Chapter 1 Purpose and Definitions

Applicability and Terms Defined

1-201.10 Statement of Application and Listing of Terms.

(B) Terms Defined

The individual definitions in Chapter 1 are not numbered, consistent with current conventions regarding the use of plain language in drafting rules, and with use in national and international standards and some Federal regulations. This facilitates making changes to the definitions as they become necessary in subsequent editions of the Food Code. The intent of the definitions to be binding in terms of the application and interpretation of the Code is clearly stated in Chapter 1.

Accredited Program.

Refer to the definition for Accredited Program in §1-201.10 (B)(3).

Food protection manager certification occurs when individuals demonstrate through a certification program that they have met specified food safety knowledge standards.

Food protection certification program accreditation occurs when certification organizations demonstrate through an accreditation program that they have met specified program standards.

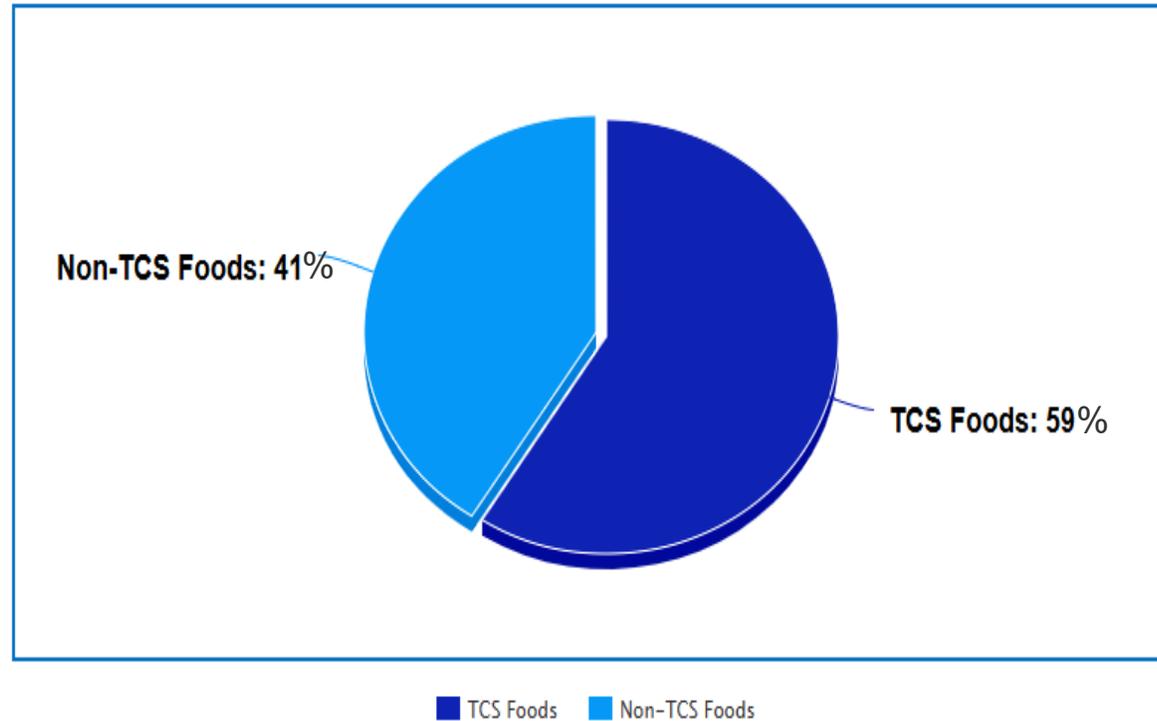
Annex 3 – Public Health Reasons/Administrative Guidelines
337

Summary: The FDA’s 41°F cold holding and 135°F hot holding requirements are evidence-based public health protections designed to prevent the rapid growth of disease-causing bacteria in food. These temperature thresholds define the limits of the “temperature danger zone,” the range in which pathogens such as Salmonella, E. coli, Listeria monocytogenes, and Clostridium perfringens multiply most quickly and pose the greatest risk to public health. By requiring food to be held at or below 41°F or at or above 135°F, these standards significantly reduce the likelihood of bacterial growth, toxin formation, and foodborne illness outbreaks. The requirements are grounded in decades of scientific research, risk assessments, and outbreak investigations reviewed by the FDA and the National Advisory Committee on Microbiological Criteria for Foods (NACMCF). These findings are formally documented in the FDA Food Code and Annex 3, which serve as the national scientific and regulatory foundation for food safety practices adopted by state and local health authorities across the United States.

Source Report: [FDA Food Code 2017 Annex 3 Public Health Reasons/Administrative Guidelines](#)

Appendix B: Dallas Street Vending TCS Vs. Non-TCS Foods Surveillance Report

Time/Temperature Control for Safety (TCS) Foods: A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. Based on 643 observances by CCS Sanitarians, 59% of street vendors observed were serving TCS Foods to vulnerable populations free of charge.



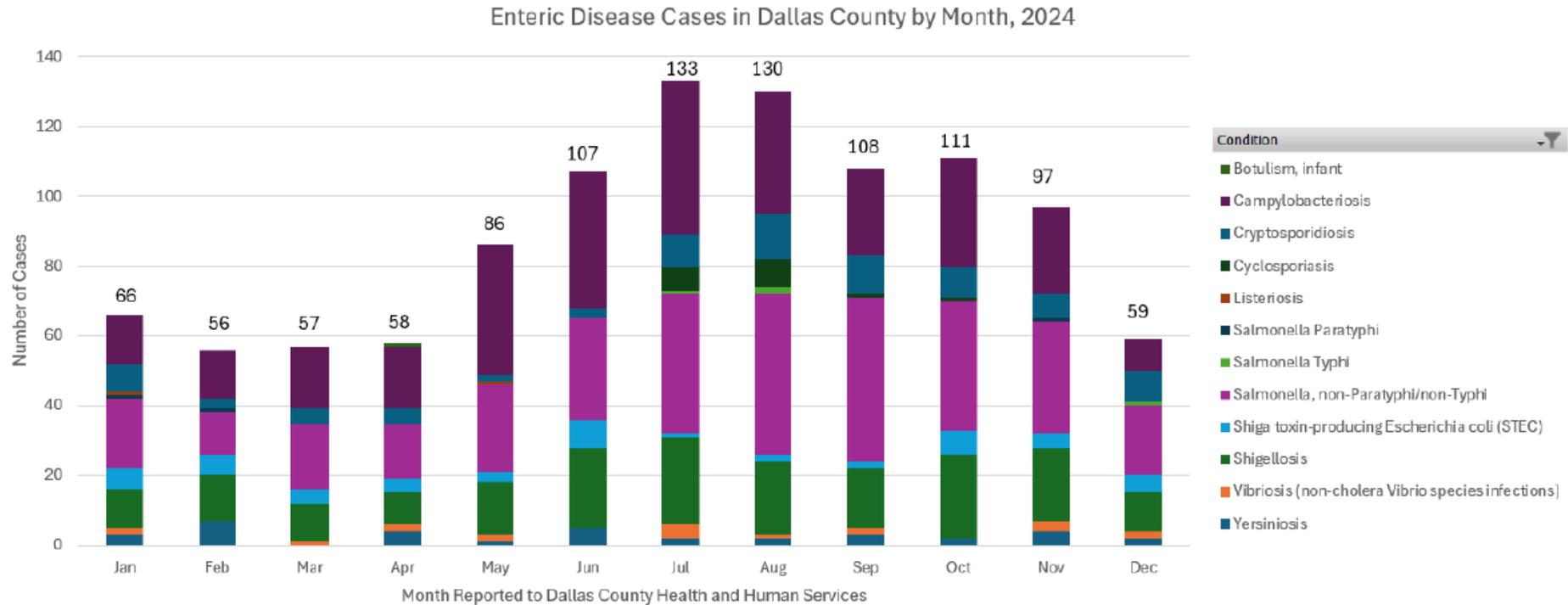
Source: Department of Code Compliance Services

Appendix C: Time/Temperature Control for Safety (TCS) Foods Poster



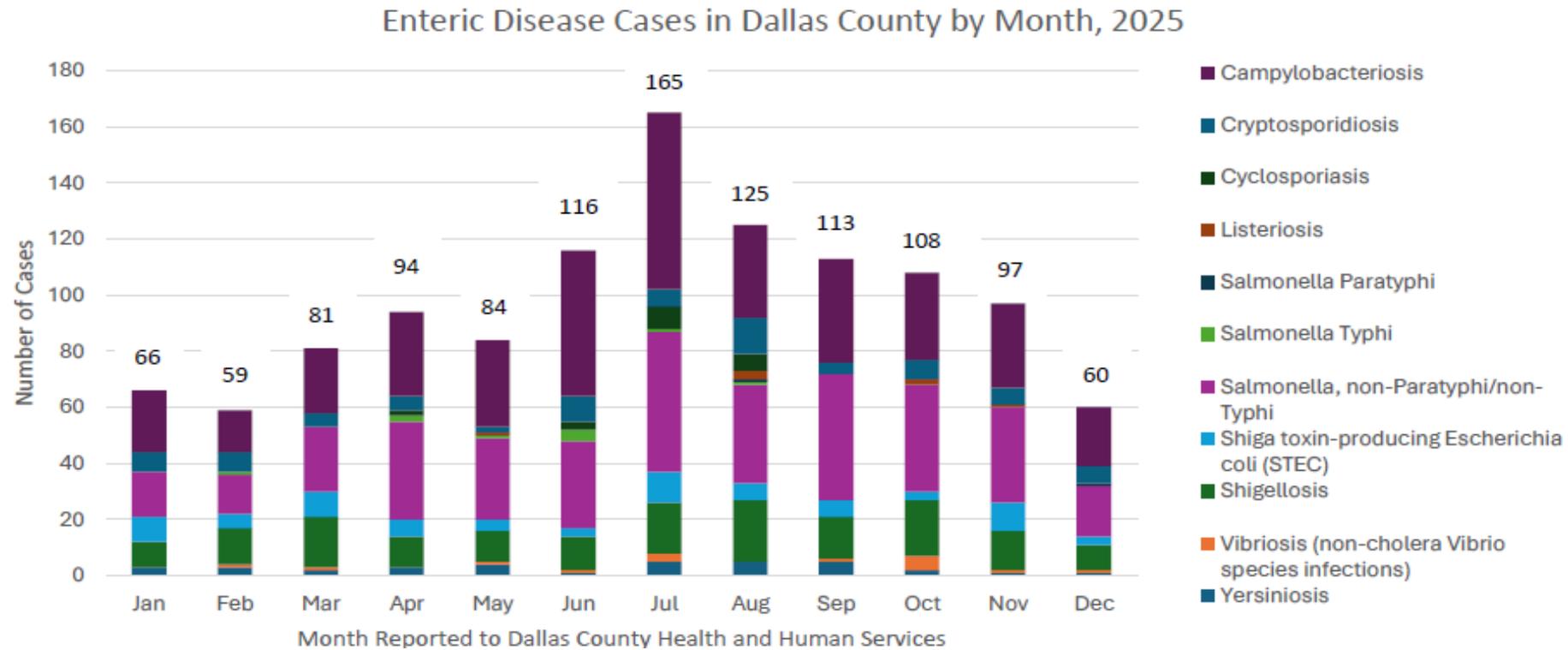
Source: StateFoodSafety.com.

Appendix D – Enteric Disease Cases in Dallas County by Month, 2024



*Source: Dallas County HHS

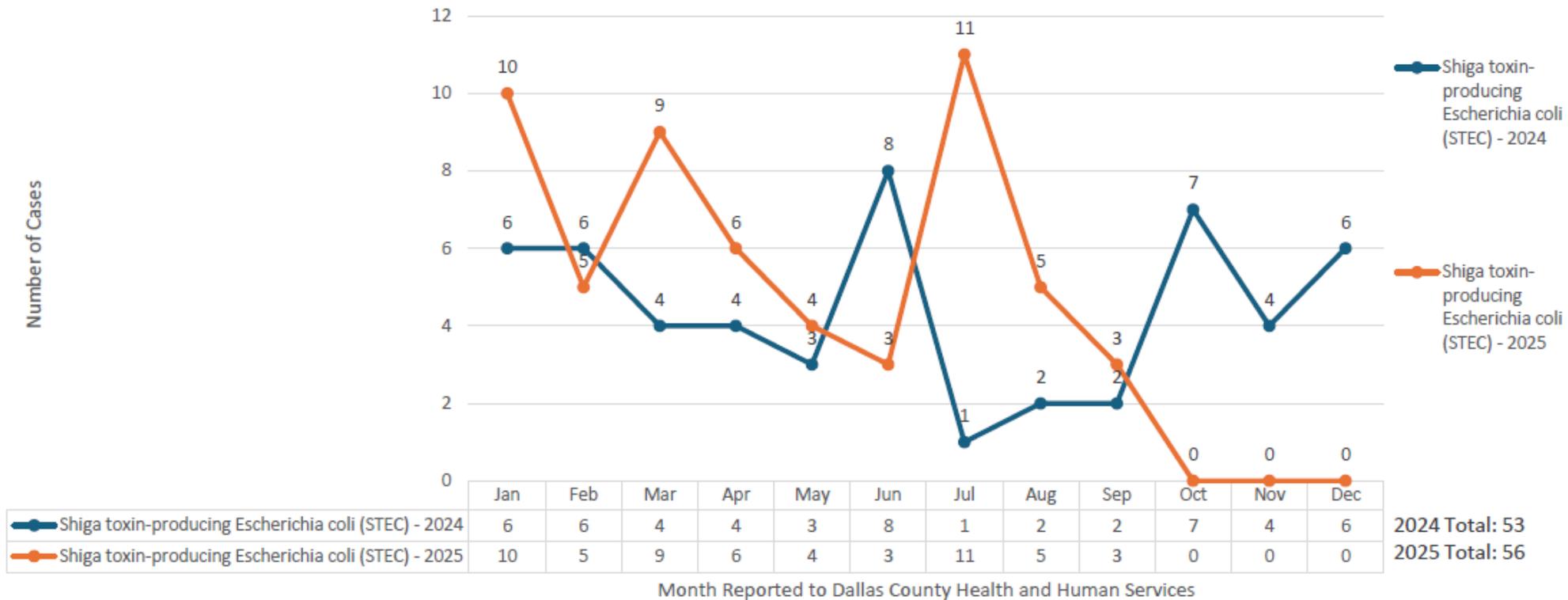
Appendix E – Enteric Disease Cases in Dallas County by Month, 2025



*Source: Dallas County HHS

Appendix F – Shiga toxin-producing E. Coli Cases in Dallas County by Month, 2024 - 2025

Shiga toxin-producing E. Coli Cases in Dallas County by Month, 2024-2025



*Source: Dallas County HHS

Appendix G – Vulnerable Populations and Food Safety

Summary:

“Protecting New York City’s vulnerable populations ... is identified as a key emerging challenge for food safety. Currently, city and state agencies do not collect data that enable them to assess whether the current food safety system provides equitable protection to these or other vulnerable populations, a gap that warrants attention.”

Source: Wills A, Ilieva RT, Freudenberg N, *Eating Without Reservation: Ensuring Food Safety in New York City*. CUNY Urban Food Policy Institute, April 2019.

[Eating-Without-Reservation_April-2019_Executive_Summary.pdf](#)

*Sources included for informational and contextual purposes only.



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Appendix H – FDA Preventive Controls: Time and Temperature

Summary:

- Pathogenic bacteria survive and multiply when foods are held within unsafe temperature ranges.
- Higher holding temperatures significantly reduce bacterial survival, following predictable thermal death rates.
- The longer food remains in the temperature danger zone, the greater the risk of pathogen growth.
- Heat exposure results in measurable reductions in Salmonella and Staphylococcus aureus populations. Time and temperature together are the primary control mechanisms for food safety.

Source Report:

[Hazard Analysis and Risk-based Preventive Controls for Human Food](#)

Appendix I – CDC Report: Contributing Factors of Foodborne Illness



Contributing Factors of Foodborne Illness Outbreaks — National Outbreak Reporting System, United States, 2014–2022



Source: Centers For Disease Control and Prevention
[Contributing Factors of Foodborne Illness Outbreaks PDF](#)

*Sources included for informational and contextual purposes only.

Appendix J – Survival and Growth of Salmonella and Listeria in the Chicken Breast Patties Subjected to Time and Temperature Abuse

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Journal of Food Protection, Vol. 64, No. 1, 2001, Pages 23-29
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Survival and Growth of *Salmonella* and *Listeria* in the Chicken Breast Patties Subjected to Time and Temperature Abuse under Varying Conditions

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ABSTRACT

Chicken breast patties were inoculated with a mixture of *Salmonella* Senftenberg, *Salmonella* Typhimurium, *Salmonella* Heidelberg, *Salmonella* Mississ, *Salmonella* Montevideo, *Salmonella* California, and *Listeria innocua*. The initial inoculation of bacteria was approximately 10^7 log₁₀ CFU/g. The inoculated patties were processed in a pilot-scale air convection oven at an air temperature of 177°C, an air velocity of 9.9 m/min, and a low (a wet bulb temperature of 48°C) or high (a wet bulb temperature of 93°C) humidity condition. The patties were processed to a final center temperature of 65 to 75°C. The survivors of *Salmonella* and *Listeria* in the processed patties were evaluated. Processing humidity affected the survivors of bacteria. More survivors of *Salmonella* and *Listeria* (>2 logs) were obtained for the patties cooked at low humidity than at high humidity. After thermal processing, the patties were stored under air, vacuum, or CO₂ at refrigerated (4°C) or thermally abused (8 to 15°C) temperatures. Storage temperature, time, and gas environment affected the bacteria growth. Higher storage temperature and longer storage time correlated to an increased growth of bacteria in the cooked chicken patties. Less *Salmonella* (2 logs) and *Listeria* (0.5 to 1 log) cells were obtained in the patties stored under vacuum than in air. Storing the patties in 30% CO₂ reduced the growth of *Salmonella* more than 2 log₁₀ CFU/g. At a CO₂ level of 15%, 1 log₁₀ CFU/g of reduction was obtained for *Listeria* in cooked chicken patties.

Pathogen thermal destruction is based on the assumption that all microbial cells in a population have identical sensitivity to heat and that heat strikes the target within cells, causing the death of microbe cells (25). In recent years, the thermally processed food market has experienced a tremendous growth, with a wide variety of products being available to consumers (9). To extend the shelf life, these types of foods are often stored at a chilled temperature in a package under vacuum or modified low-oxygen atmospheres. The knowledge of the thermal inactivation of potential pathogens during processing and the growth of surviving pathogens during postprocessing storage is essential in evaluating the microbial safety of thermally processed products.

The U.S. Department of Agriculture, Food Safety and Inspection Service (29) has published a final rule that requires each operation schedule in an establishment to meet the performance standard. Hazard analysis critical control point application has become the premier system for evaluating and controlling microbial-originated foodborne hazards from farm to table (5). Quantitative information on lethality variability of pathogens is certainly required for any processing schedule to show that it meets the lethality performance standard. However, the information on the growth of pathogens in cooked products during postprocessing storage is also important in ensuring the microbial

safety of thermally processed products. Considering possible risks, manufacturers need to verify that the processed products comply with microbiological criteria after storage.

The heat resistance of pathogens is influenced by many factors during a thermal process (9, 18, 21, 22). Kim et al. (16) evaluated the effect of heat atmosphere on the survival and recovery of *Listeria monocytogenes* in ground pork and found that *L. monocytogenes* was more resistant to heat in vacuum-packaged meat than in air-packaged meat. Knabel et al. (17) studied the recovery of *L. monocytogenes* in pasteurized milk at different growth conditions and found that anaerobic conditions resulted in more cells. The growth of pathogens in storage is affected by environmental factors, such as the storage temperature and the gas environment. To extend the shelf life, an increasing number of fresh meat products are packaged under modified atmospheres (19). This technique involves the use of gas mixtures. Such mixtures generally include oxygen to maintain the desired color and to inhibit the growth of anaerobic bacteria. Many modified atmospheres contain moderate-to-high concentrations of carbon dioxide to inhibit the growth of aerobic bacteria (8). Modified atmosphere packaging changed the environment that surrounds foodstuffs, suppressed (or slowed) the growth of microorganisms, and therefore extended the shelf life of meat (26).

Individual bacterial species on meat surfaces responded differently to carbon dioxide and oxygen environment. Many previously published studies concerned the influence

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Source: Journal of Food Protection

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*Sources included for informational and contextual purposes only.

Appendix K – Draft Ordinance

See Exhibit A