



Chris Christian

Director
Code Compliance Services

Cedric Secoundiata

Assistant Director
Code Compliance Services

Proposed Code Amendment to Chapters 17 and 50 Regarding the Service and Distribution of Food or Drinks Free of Charge

City Council Briefing

April 15, 2026



Table of Contents



• Chapter 17 Update and Regulatory Reset	3
• Street Vending Is Outside the Enforcement Scope of Ch. 17/TFER	4
• Why Consider A Street Vendor Policy Update (Regulatory Alignment Framework)	5
• Why Consider a Street Vendor Policy Update (Public Health Risk to Vulnerable Populations)	6
• Proposed Chapter 50 Amendment “Street Vendors”	7
• Authorization Framework and Permit Concept	8
• Key Policy Considerations	9
• Communication, Outreach, and Implementation Approach	10
• Next Steps	11
• Appendix	13

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), which created a uniform statewide set of food safety standards and fees for all food establishments as defined by TFER (e.g., restaurants, caterers, food trucks).
- TFER's definition of food establishments does not include street vendors including those distributing food for free.
- Free food distribution is no longer addressed in Chapter 17.

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

- Section 17-1.6 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 limited enforcement for those without a food establishment permit; they did not set affirmative obligations for street vendors.
- 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.
- Free food distribution is more appropriate 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)

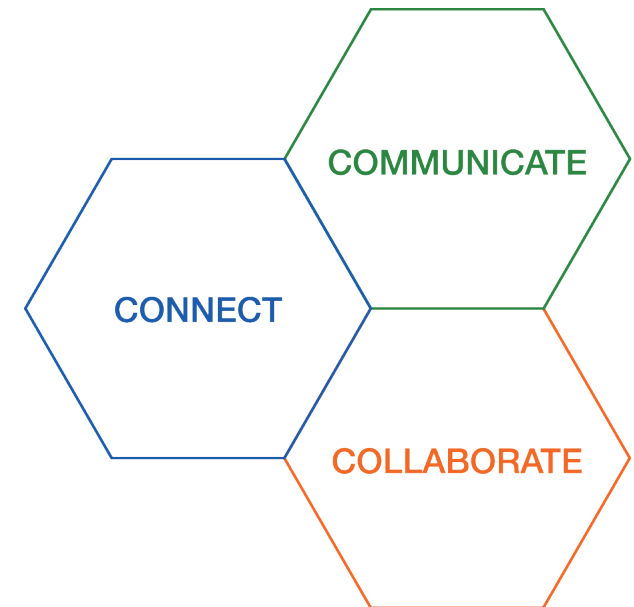
- Street vending, including free food distribution, has increased, occurring outside traditional food establishment settings.
- Individuals receiving food in these settings may include medically vulnerable populations who face heightened risk from foodborne illness.
- “Foodborne illness in compromised 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 street vending framework does not address basic sanitation, temperature control, safe food handling, or traceability (because notification comes after the event).
- Without timely pre-event notification, the City is often unaware of the food distribution activities, 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 “Defenses for Certain Types of Activities” in Section 17-1.6 will now be affirmative requirements in Chapter 50 and will be 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, including hand sanitizer and disposable gloves.
- 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.



Communication, Outreach, and Implementation Approach

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

Next Steps

City Council Consideration

April 22, 2026



Chris Christian

Director
Code Compliance Services

Cedric Secoundiata

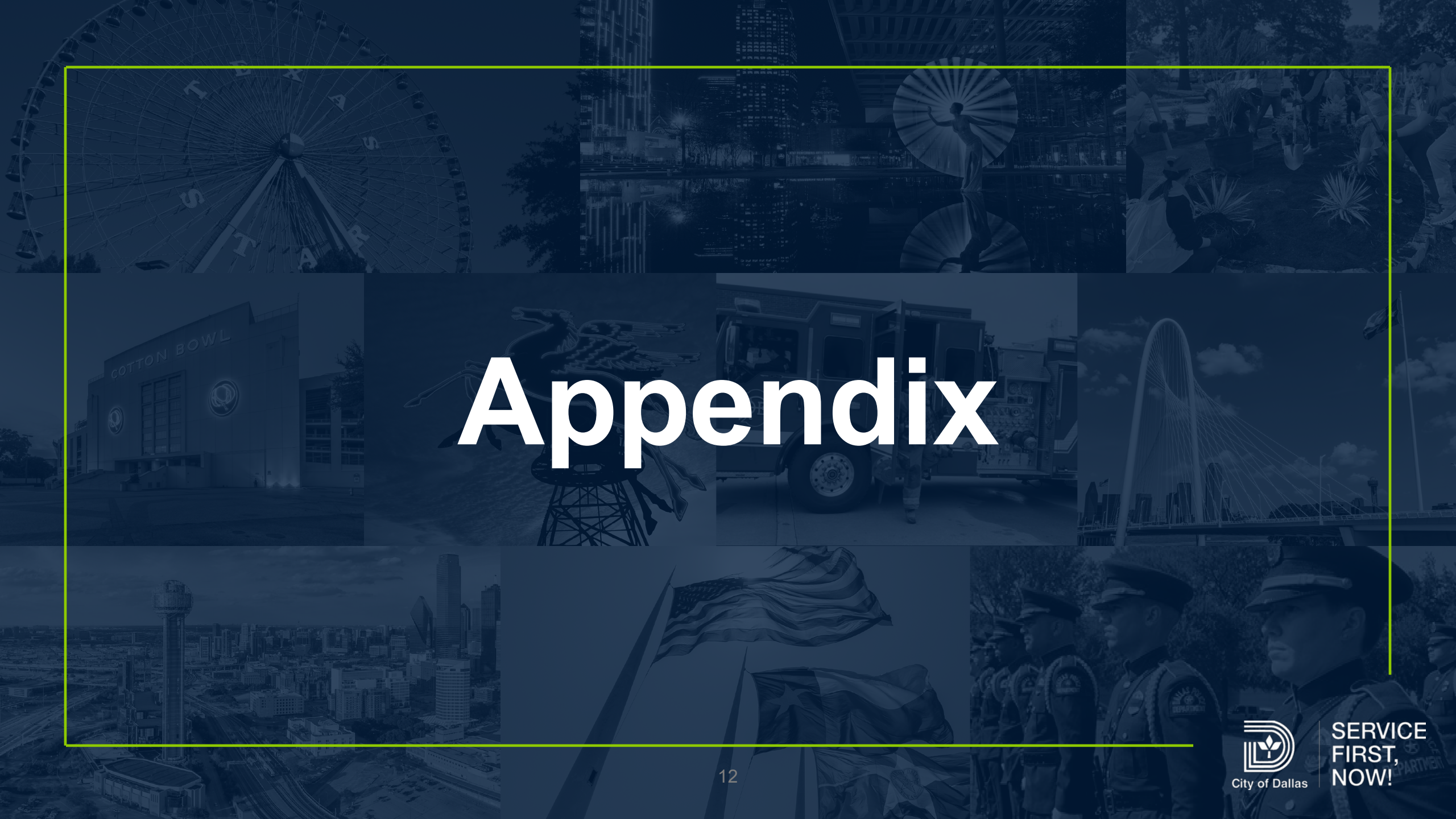
Assistant Director
Code Compliance Services

Proposed Code Amendment to Chapters 17 and 50 Regarding the Service and Distribution of Food or Drinks Free of Charge

City Council Briefing

April 15, 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 §11-201.10 (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.

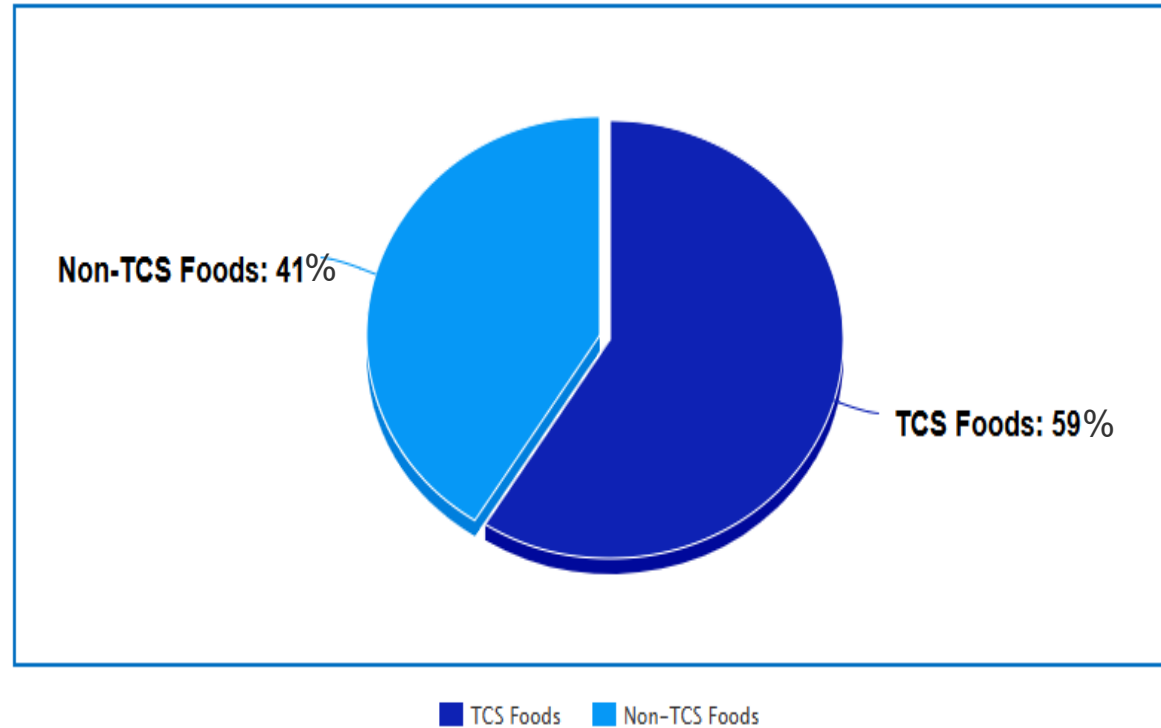
Annex 3 – Public Health Reasons/Administrative Guidelines
337

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.



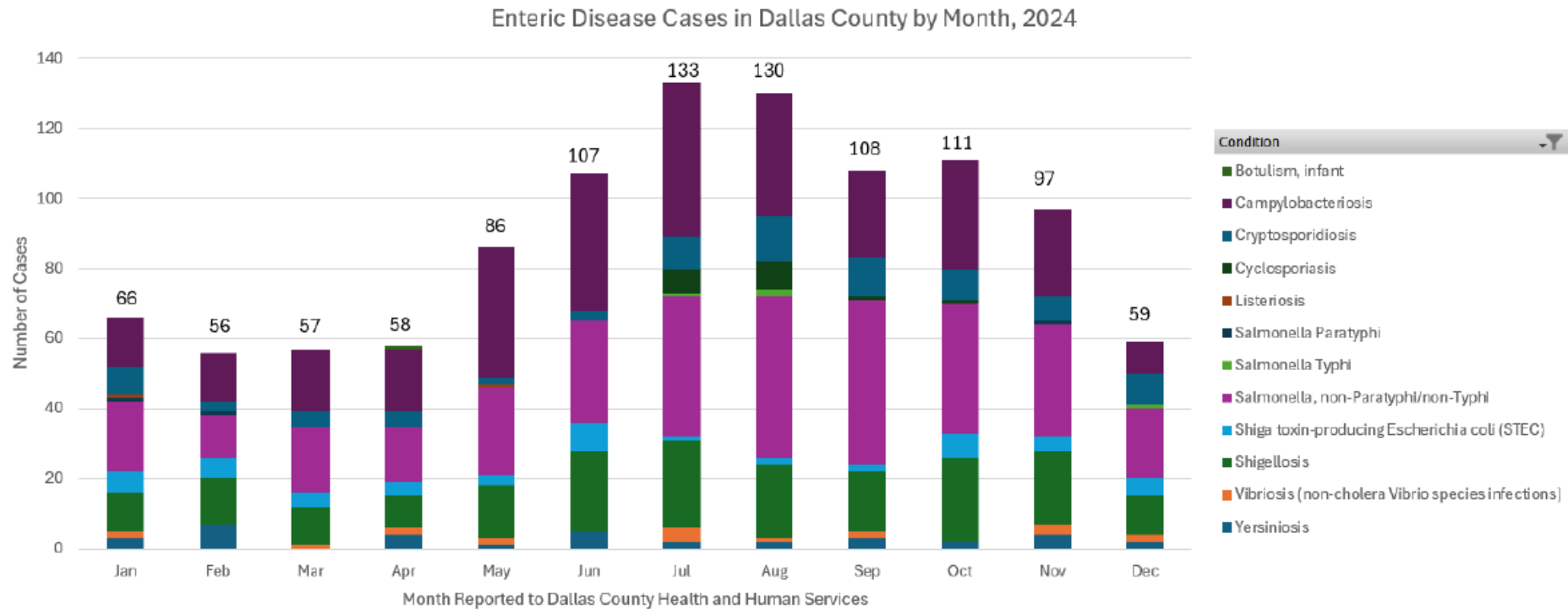
Source: Department of Code Compliance Services

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



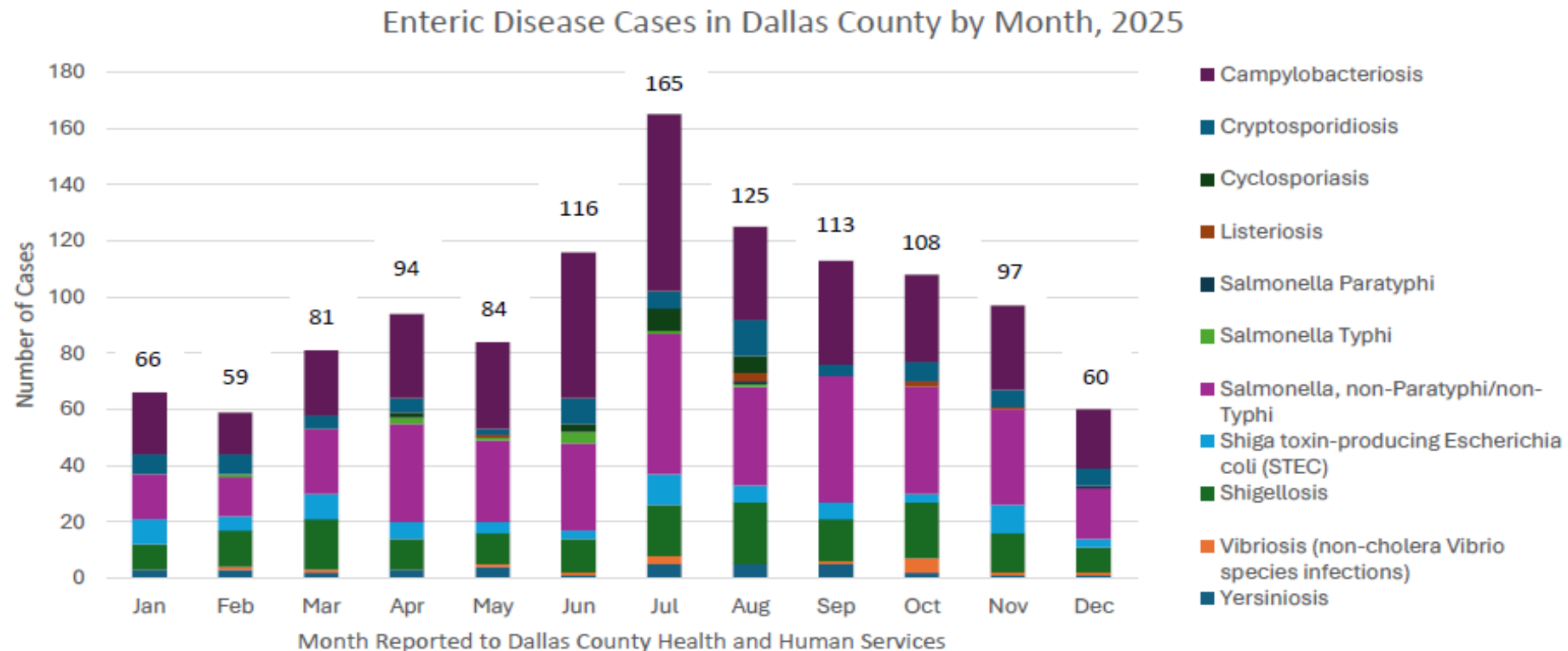
Source: StateFoodSafety.com.

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



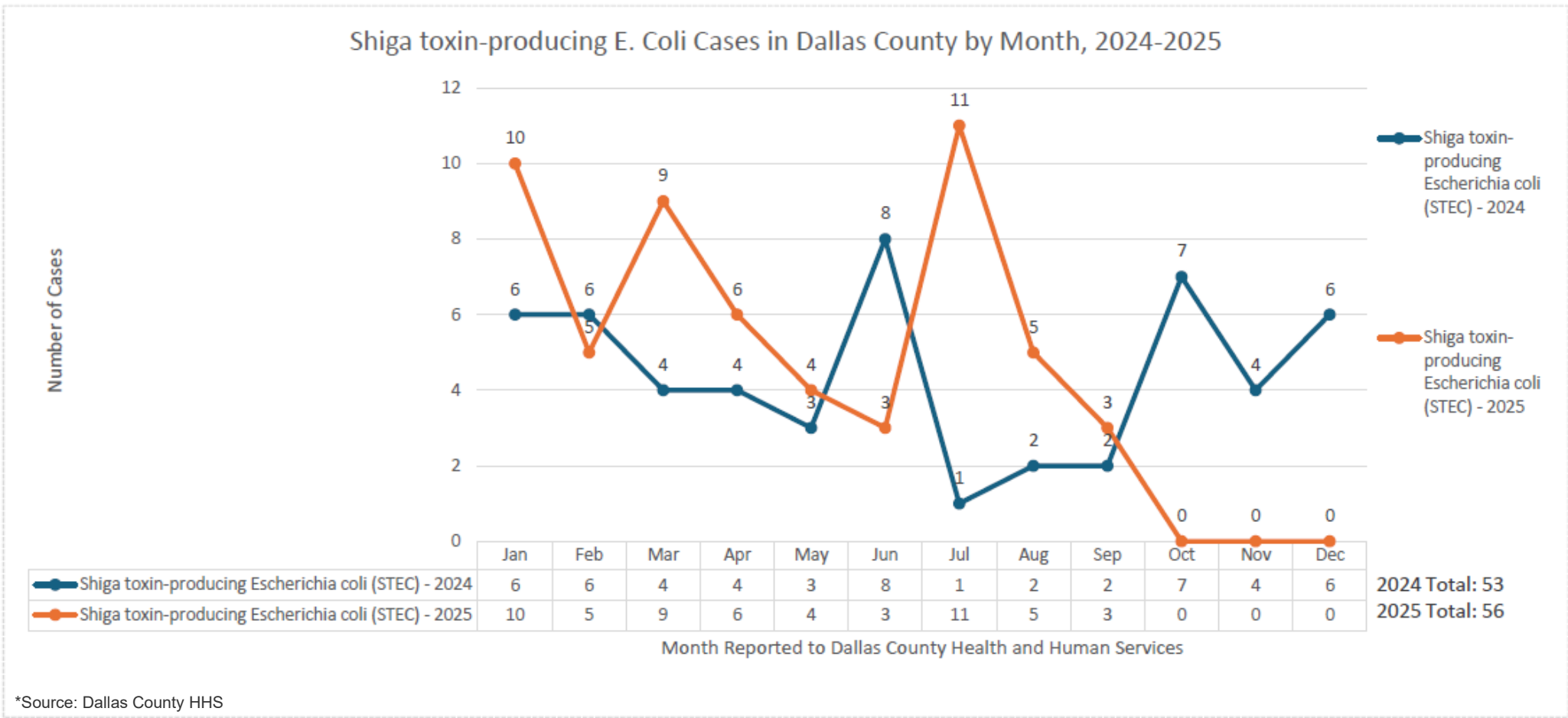
*Source: Dallas County HHS

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



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.

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.



**SERVICE
FIRST,
NOW!**

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

23

Journal of Food Protection, Vol. 64, No. 1, 2001, Pages 23-29
Copyright © International Association for Food Protection

Survival and Growth of *Salmonella* and *Listeria* in the Chicken Breast Patties Subjected to Time and Temperature Abuse under Varying Conditions

R. Y. MURPHY,^{1*} E. R. JOHNSON,¹ J. A. MARCY,² AND M. G. JOHNSON³

¹Department of Biological and Agricultural Engineering, ²Center of Excellence for Poultry Science, and ³Department of Food Science, University of Arkansas, Fayetteville, Arkansas 72701, USA

MS 90-114: Received 11 April 2000/Accepted 3 August 2000

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 atmosphere (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

* Author for correspondence. Tel: 501-575-2840; Fax: 501-575-2846; E-mail: rymurph@comp.uark.edu.

Source: Journal of Food Protection

Survival and Growth of Salmonella and Listeria in the Chicken Breast Patties Subjected to Time and Temperature Abuse under Varying Conditions

*Sources included for informational and contextual purposes only.

Appendix K – Draft Ordinance

3-16-26

ORDINANCE NO. _____

An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code by amending Section 17-1.6 and Chapter 50, “Consumer Affairs,” of the Dallas City Code by amending Sections 50-152, 50-157, 50-158, 50-160, and 50-162; adding new Sections 50-167.1 and 50-173; providing requirements for serving or distributing food on public or private property; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 17-1.6, “Defenses For Certain Types of Activities,” of Article I, “Food Establishments Generally,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“SEC. 17-1.6. EXCEPTIONS ~~[DEFENSES FOR CERTAIN TYPES OF ACTIVITIES]~~.”

~~[It is a defense to prosecution under t]~~his chapter does not apply to a ~~[that, at the time of the offense, the]~~ person who is ~~[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; or

(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].”~~

SECTION 2. That Section 50-152, “Declaration of Policy,” 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. 50-152. DECLARATION OF PURPOSE [~~POLICY~~].

It is the policy of the city to promote the protection of the public health, safety, and welfare by the regulation of street vendors operating inside the city and these regulations are intended to promote the fair and orderly use of public and private spaces to foster a vibrant, accessible, and safe community environment. Therefore t[F]he provisions of this article are to be construed, according to the fair import of their terms, to effect this policy.”

SECTION 3. That Paragraph (12) of 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:

“(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.”

SECTION 4. That Paragraph (14) of 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:

“(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages either in a business of selling, distributing, or offering for sale goods or services, or the service or distribution of food or drinks free of charge to members of the general public in a public place from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include:

(A) 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;[-]

(B) [~~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; or

(C) any person distributing food or drinks:

(i) from a private residence or private space;

(ii) as part of a private, invitation-based, or ticketed event not open to the general public, including but not limited to, family gatherings, neighborhood events, block parties, or organized events held at public facilities such as recreation centers, parks, or similar venues; or

(iii) as part of, or incidental to, an event conducted pursuant to a city permit, reservation, or authorization.”

SECTION 5. That Section 50-158, “Vendors on Public Property,” 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:

“SEC. 50-158. VENDORS ON PUBLIC PROPERTY.

(a) A person commits an offense if the person, either personally or through an agent, occupies public property in the city for the purpose of operating as a street vendor ~~[selling, distributing, or offering for sale services or goods, including, but not limited to, food, drinks, flowers, plants, tickets, or souvenirs].~~

(b) ~~T[It is a defense to prosecution under t]~~his section does not apply to a ~~[that the]~~ person selling, distributing, or offering for sale services or goods, or to a person distributing or serving food or drinks free of charge, who:

(1) is doing so in connection with the transaction of official government business;

(2) is doing so by authority of a contract with the city to operate a concession on designated areas of public property;

(3) is selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine;

(4) is selling, distributing, or offering for sale goods or services from a vehicle by authority of and in compliance with a CBD concession license as provided for in this article;

(5) is selling, distributing, or offering for sale vegetables, produce, or other perishable commodities at the Dallas Farmers Market (as defined in Section 29A-2 of this code), in compliance with Chapter 29A of this code and with the market’s agreements and covenants with the city;

(6) is selling, distributing, or offering for sale a food or beverage from a mobile food unit in accordance with Section 50-159 of this code;

(7) is selling, distributing, or offering for sale goods or services as authorized by and in compliance with a special event permit;

(8) is selling, distributing, or offering for sale only printed matter that is not commercial printed matter, including, but not limited to, newspapers and magazines, and the selling, distributing, or offering for sale is not being conducted from machines or other structures that occupy public property;

(9) is operating a vehicle for hire;

(10) is selling, distributing, offering for sale, or delivering the goods or services to a person in a structure or vehicle that is affixed to the ground, or to a person who possesses a special event permit or a CBD concession license; ~~or~~

(11) is not receiving payment ~~[remuneration]~~ from the person being given the goods, ~~or~~ services, food, or drinks, and the person distributing the goods, ~~or~~ services, food, or drinks has complied with the requirements of Division 7 of this article ~~[does not use any type of vehicle or stand, any part of which touches the ground, when distributing the goods or services, and the method of distribution does not interfere with traffic flow on public streets or sidewalks.];~~ or

(12) is an individual younger than 18 years of age who is conducting the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park.

(c) In addition to any enforcement action by a peace officer or the director for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

~~[(d) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age.]”~~

SECTION 6. That 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:

“SEC. 50-160. VENDORS ON PRIVATE PROPERTY.

(a) A person commits an offense if the person, either personally or through an agent, ~~[he]~~ occupies any privately-owned property within the city for the purpose of operating ~~[conducting business]~~ as a street vendor.

(b) This section does not apply to ~~[It is a defense to prosecution under Subsection (a) of this section that]:~~

(1) a [the] business that is [was] authorized by a valid certificate of occupancy or is [was] otherwise specifically allowed under the Dallas Development Code or another city ordinance to sell, distribute, or offer for sale services or goods;

(2) a [the] person that has the written permission of a private property owner to conduct a street vending business on the property ~~[was conducting the street vending business in the central business district] and:~~

(A) possesses[d] a valid CBD concession license issued under this article; or

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

~~[(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) a person not receiving payment from a person being given food, drinks, or services, and the person distributing the food, drinks, or services has complied with the requirements of Division 7 of this article; or ~~[the person was a mobile food unit conducting the street vending business outside the central business district and:~~

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

~~(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];~~

(4[e]) ~~[This section does not apply to]~~ the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property by an individual younger than 18 years of age.”

SECTION 7. That Section 50-162, “Central Business District Concession License,” of Division 5, “Central Business District Concession Licenses,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended by adding a new Subsection (d) to read as follows:

“(d) A CBD concession license is not required for a person who is not receiving payment from the person being given the goods, services, food, or drinks, and the person distributing the goods, services, food, or drinks has complied with the requirements of Division 7 of this article.”

SECTION 8. That Division 6, “Miscellaneous Requirements for Street Vendors in the Central Business District,” of Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended by adding a new Section 50-167.1, “Service and Distribution of Food or Drinks Free of Charge,” to read as follows:

“SEC. 50-167.1. SERVICE AND DISTRIBUTION OF FOOD OR DRINKS FREE OF CHARGE.

The requirements of this division do not apply to a person who is not receiving payment from the person being given the goods, services, food, or drinks, and the person distributing the goods, services, food, or drinks has complied with the requirements of Division 7 of this article”

SECTION 9. That Article XII, “Street Vendors,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended by adding a new Division 7, “Service and Distribution of Food Free of Charge,” to read as follows:

“Division 7. Service and Distribution of Food or Drinks Free of Charge.

SEC. 50-173. PERMIT REQUIRED.

(a) This division applies to all individuals and organizations, regardless of religious, philosophical, or other motivation for serving or distributing food. No provision of this division may be construed or applied to favor or disfavor any person or group based on religious or other expressive motivation.

(b) A person wishing to serve or distribute food or drinks free of charge on public or private property shall obtain a permit from the director prior to the anticipated distribution. There is no charge for the permit. The application must be submitted to the director at least two business days before the service or distribution of food or drinks will commence. The director shall issue a 30-day permit to any applicant who submits a completed application meeting the requirements of

this section. The director may only deny a permit if the proposed service or distribution would create an imminent threat to public health or safety, and any denial must be in writing and state the specific reasons. The applicant may appeal a denial to the city manager or designee within two business days after the date of determination, who shall issue a written decision within two business days. For purposes of this subsection, “imminent threat to public health or safety” means a significant threat or danger to health that requires immediate action to prevent injury or illness.

(c) An application for a permit under this section must contain the following information:

- (1) the name of the individual or organization that will be serving or distributing food or drinks;
- (2) the date or dates within a 30-day period when food or drinks will be served or distributed;
- (3) the times of day when food or drinks service or distribution is set to begin and end on each day listed on the application;
- (4) the street address or addresses where food or drinks will be served or distributed, or a description of the location where food or drinks will be served or distributed by street block number or by naming the nearest intersecting streets for each day listed on the application;
- (5) verification that 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 preceding 24 months will be onsite to supervise the service or distribution of food or drinks; and
- (6) the anticipated number of food preparers or servers of food or drinks and the anticipated number of individuals to be served.

(d) Food may not be served or distributed under a permit issued pursuant to this section unless:

- (1) for any food that is time/temperature controlled for safety, such food has been stored at a temperature of:
 - (A) 41° F. (5° C.) or below; or
 - (B) 135° F. (57° C.) or above;
- (2) the food is pre-packaged and is not considered time/temperature controlled for safety such as canned goods, granola bars, bottled water, bagged potato chips, or pre-packaged snack cakes and candy bars;

(3) the food was transported 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; and

(4) one of the following methods was used to sanitize hands before preparing, serving, or distributing food or drinks:

(A) 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;

(B) disposable gloves; or

(C) handwashing equipment that included at a minimum:

(i) 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

(ii) soap and individual paper towels.

(e) A permit holder shall properly dispose of wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food. A permit holder shall not pour wastewater on the ground or into the stormwater drainage system.

(f) A permit holder shall provide a sufficient number of trash bags to dispose of the solid waste generated by the food or drinks provided by the servers, and use 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 or drinks. The permit holder shall deposit trash bags and any other debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained.

(g) The method of distribution of food or drinks may not interfere with traffic flow on public streets or sidewalks.

(h) A certified food handler or a person who attended the city-sponsored food safety training class shall be present and must display their food safety training or certified food handler certificate during the preparation, service, and distribution of the food or drinks.

(i) The applicant, permittee, or any person serving or distributing food or drinks free of charge may be held responsible for any violation of a provision of this section.”

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500 for each violation.

SECTION 11. That Chapters 17 and 50 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. 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 13. 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 14. 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 _____