



Health Ordinance Update

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Development Services

Background

2016

Local Ordinance adoption (16-04-35) of the State Code, Texas Food Establishment Rules (2015 TFER)

2021

The State adopted the 2017 Food Code by reference (2021 TFER)

2017/2019

2017: Food and Drug Administration (FDA) published 2017 Food Code

2019: FDA published Supplement to the 2017 Food Code

2023

Adopt the 2021 State code by reference to ensure our ordinance aligns with the federal guidelines and State code.

Purpose

Federal

- Model for safeguarding public health and ensuring that food is honestly presented when offered to a consumer.
- Represents the best advice for a uniform system of provisions that address the safety and food offered at retail and in food service.

State

- Partial adoption by reference with modifications and additions.
- Consists of regulations that are specific to Texas.

Local

- Reformat to be user friendly, remove duplicate regulations adopted by the state code and reflect changes provided from the feedback of internal and external stakeholders.
- Adopt a code that has consistency regionally and with neighboring municipalities.

Proposed Changes

Definitions

- Made changes for internal consistency.
- Added clarification for terms used in ordinance.
- Removed duplicated terms or terms not used in new ordinance.
- Notable changes:
 - Bed and Breakfast Limited » Bed and Breakfast Inn
 - Mobile Food Vendor » Stationary Food Vendor

Water/Plumbing Waste

- Added requirement for a spill kit if the establishment have containers storing 25+ gallons of oil/grease.
- Allow a maximum of one mobile unit/food truck to use food establishment to dispose of waste into a grease interceptor if owned by the same individual.

Proposed Changes

Physical Facilities

- Based on feedback from external stakeholders while maintaining the intent of the code, the following were changed:
 - 6-inch base tile » 4-inch base tile.
 - Approved wall finishes in food service operation areas full height » approved wall finishes up to 8ft.
 - No value for “light in color” » added a light reflective value for clarification.

State Laws

- State preemptive law that made ordinance invalid, therefore making us modify our ordinance:
 - Removed dogs on patio rules and variance section.(86th Legislation Senate Bill 476)
- Cottage Food
 - Cottage food operations are regulated by state law.(83rd Legislation House Bill 970) Removed regulation stating that baked goods are prewrapped prior to sale for temporary events.

Inspection/Fees

- Removed requirement that an establishment is inspected at least once every 6 months » inspected based on risk assessment.
- Grocery stores- changed the structure of fees
 - Currently: One flat fee, not equitable
 - Proposed: Scale fees with operation size.