

ORDINANCE NO. 2014-06

AN ORDINANCE PROVIDING REGULATIONS FOR FOOD ESTABLISHMENTS, FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, TEMPORARY FOOD ESTABLISHMENTS, AND ROADSIDE FOOD VENDORS; PROVIDING FOR FEES, PERMITS, SUSPENSION AND REVOCATION OF PERMITS; PROVIDING FOR ADMINISTRATIVE MATTERS; PROVIDING FOR FINES AND PENALTIES; AND PROVIDING A SEVERABILITY AND OPEN MEETING PROVISIONS.

**Whereas**, the ordinances of the City of Uvalde providing regulations regarding the operation of food establishments, including, but not limited to, mobile food units, temporary establishments and roadside food vendors should be amended and updated;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:**

Section 8.16 of the Code of Ordinances of the City of Uvalde, and any and all ordinances of the City in conflict with any provision of this ordinance are hereby amended to read as follows:

**Section 1. Adoption of Texas Food Establishment Rules.**

A. City of Uvalde adopts by reference the provisions of the current rules, or rules as amended by The Executive Commissioner of the Health and Human Services Commission, found in 25 Texas Administrative Code, Chapter 229 Sections 161 through 171 and 173 through 175 regarding the regulation of food establishments in this jurisdiction.

B. Definitions

The words "authorized agent or employee" mean the employees of the regulatory authority.

The words "food establishment" mean a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

The words "municipality of Uvalde" in this ordinance shall be understood to refer to the City of Uvalde.

The words "state rules" mean the state rules found at 25 Texas Administrative Code, Chapter 229 Sections 161 through 171 and Sections 173 through 175. These rules are also known as the Texas Food Establishment Rules.

The words "regulatory authority" means the Texas Department of Health Services.

**Section 2. Permits and Exemptions.** A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferrable from one person to another or from one location to another location, except as otherwise permitted by this ordinance. A valid permit must be posted in or on every food establishment regulated by this ordinance.

**Section 3. Amendment and Application.** The Code of Ordinances of the City is hereby amended to the extent required to be read and construed in a manner to give effect to this Ordinance. In the event of conflict between this Ordinance and any other ordinance or law, the most restrictive standard applies.

**Section 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

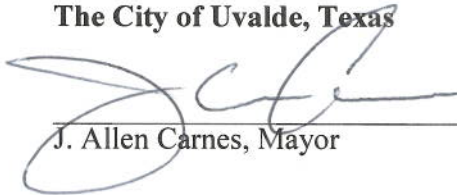
**Section 5. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code*.

**Section 7. Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein or available at law or in equity.

PASSED AND APPROVED on this the 11 day of March, 2014.

**The City of Uvalde, Texas**

  
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J. Allen Carnes, Mayor

ATTEST:

  
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Susan Conley, City Secretary