

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 03-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11, "HEALTH AND SANITATION", ARTICLE 11.02, "FOOD AND FOOD ESTABLISHMENTS", TO ENSURE THE ORDINANCE IS CONSISTENT WITH AMENDMENTS TO STATE LAW, EFFECTIVE OCTOBER 11, 2015; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Retail Food Establishment rules provided under the Texas Administrative Code have been amended, effective October 11, 2015; and

WHEREAS, the City of Seagoville desires to adopt and enforce rules concerning food safety which are consistent with the state rules; and

WHEREAS, the City Council for the City of Seagoville finds it will benefit the citizens of the City of Seagoville to amend the City's Code of Ordinances as it pertains to Food and Food Establishment Sanitation, to ensure the City's rules are consistent with the Texas Retail Food Rules, as provided for herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas is amended by amending Chapter 11 "Health and Sanitation", by amending Article 11.02, "Food and Food Establishments" to read as follows:

"ARTICLE 11.02. - FOOD AND FOOD ESTABLISHMENTS

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Sec. 11.02.003 State rules adopted

All food service establishments, mobile food establishments and temporary food establishments shall be subject to the inspection of its establishment, vehicle or temporary establishment; the issuance, suspension and revocation of any permits to operate; the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this article shall be regulated in accordance with the current edition of the Texas Department of Health's "Texas Retail Food

Rules,” 25 TAC sections 228.1-228.278; and, all such establishments shall comply with the requirements of the Texas Retail Food Rules unless specifically exempt in this article.

Sec. 11.02.004 Definition

The definitions established in the Texas Retail Food Rules, as amended, shall apply except as been otherwise adopted in this chapter.

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Texas Retail Food Rules or food code. The Texas Retail Food Establishment Rules, 25 TAC sections 228.1-228.278.

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Sec. 11.02.007 Report of inspections

Whenever an inspection of a temporary food establishment or commissary is made, the findings shall be recorded on the inspection report form set out in 25 TAC sections 228.1-228.278 of the state rules adopted herein. The inspection report form shall summarize the requirements of this article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100). A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

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Sec. 11.02.010 Examination and condemnation of food

Food may be examined or sampled by the city as often as necessary for enforcement of this article. The city may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefore, place a hold order on any food which it believes is in violation of 25 TAC sections 228.1-228.278 of the state rules adopted by section 11.02.003 or any other section of this article. The city shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The city shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of this request. On the basis of evidence produced at that hearing, the hold order may be vacated or

the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this article.”

SECTION 2. That all provisions of the ordinances of the City of Seagoville in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 1st day of February, 2016.

APPROVED:



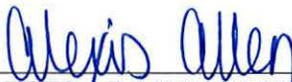
DENNIS K. CHILDRESS, MAYOR

ATTEST:



DARA CRABTREE, CITY SECRETARY

APPROVED AS TO FORM:



ALEXIS ALLEN, CITY ATTORNEY

