

ORDINANCE NO. 19-05-23-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, REPEALING SECTIONS 110.01 THROUGH 110.32 OF CHAPTER 110, "FOOD SERVICE" OF TITLE XI, "BUSINESS REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH, AND ADOPTING NEW SECTIONS 110.01 THROUGH 110.33 OF CHAPTER 110, "FOOD SERVICE" OF TITLE XI, "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES REGULATING FOOD ESTABLISHMENTS; PROVIDING FOR THE INCORPORATION OR PREMISES; PROVIDING FOR AMENDMENTS TO ADOPT REGULATIONS GOVERNING FOOD ESTABLISHMENTS AND TO ADOPT THE TEXAS DEPARTMENT OF HEALTH, BUREAU OF FOOD AND DRUG SAFETY, RETAIL FOOD DIVISION, "TEXAS FOOD ESTABLISHMENT RULES," TITLE 25, TEXAS ADMINISTRATIVE CODE §228; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING SAVINGS; PROVIDING A PENALTY FOR A VIOLATION NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH VIOLATION AND PROVIDING A SEPARATE PENALTY FOR EACH DAY A VIOLATION CONTINUES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Corinth finds and determines that regulation of the operation of food establishments within the City is desirable and necessary to safeguard public health, and provide consumers with food that is safe, unadulterated, and honestly presented; and

**WHEREAS**, the City Staff has reviewed the existing regulations governing food establishments and current state law regulations applicable to food establishments and has determined that existing regulations should be updated to ensure that such establishments are operated in accordance with all applicable legal requirements, including applicable provisions of the Texas Department of Health, Bureau of Food and Drug Safety, Retail Food Division, "Texas Food Establishment Rules," Title 25, Texas Administrative Code; and

**WHEREAS**, having reviewed and discussed the proposed amendments to Chapter 110 of Title XI, the Council has determined that the proposed regulations are necessary and appropriate for the regulation of food establishments to safeguard the health, safety and welfare of the public and therefore should be adopted as set forth hereinbelow;

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

**SECTION 1**  
**Incorporation of Premises**

That the foregoing recitals set forth above are determined to be true and correct findings and are incorporated herein as if set forth verbatim.

**SECTION 2**  
**Amendments**

That Sections 110.01 through 110.32 of the existing Chapter 110, "Food Service" of Title XI, "Business Regulations" of the Code of Ordinances of the City of Corinth, Texas, is hereby repealed in its entirety and new Sections 110.01 through 110.33 of Chapter 110, "Food Service" of Title XI, "Business Regulations" of the Code of Ordinances of the City is hereby adopted and shall be and read in its entirety as follows with all other provisions of Chapter 110 not expressly repealed or amended hereby remaining in full force and effect:

**CHAPTER 110.**

**FOOD SERVICE**

**§110.01 State Food Establishment Rules Adopted**

The City of Corinth, Texas, adopts the Texas Department of Health, Bureau of Food and Drug Safety, Retail Foods Division, "Texas Food Establishment Rules", 25 Texas Administrative Code §228, as amended." A certified copy of the rules shall be filed and maintained in the office of the City Secretary, and the same are hereby adopted and incorporated herein as if the same were copied in their entirety and the provisions thereof shall be controlling within the City.

**§110.02 Definitions**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**City:** The City of Corinth, Texas.

**City Health Officer:** The Director of Planning and Development or his designated representative shall act as the Health Officer of the City.

**City Manager:** The City Manager of the City of Corinth or the Manager's designated representative.

**Commissary:** A catering establishment, restaurant or any other place in which food, food containers, or food supplies are kept, handled, prepared, packaged or stored.

Commissary shall not mean a residential kitchen but constitutes a commercial food service operation which is operated and maintained pursuant to state rules and regulations.

**Director of Planning and Development or Director:** The Director of Planning and Development of the City or the Director's designated representative.

**Fixed Food Facility:** An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following: restaurants, warehouses, convenience stores, food manufacturers, and food wholesalers.

**Food Establishment or Establishment or Facility.** A restaurant, café, hotel dining room, grocery store, meat market, soft drink stand, hamburger stand, ice cream wagon, day care center, or any place where food or drink for human consumption is offered for sale, given in exchange or given away. It includes temporary food establishments and mobile units. The term does not include the following operations and establishments, provided that the operations do not expose the public to a substantial and imminent health hazard as determined by the City Health Officer:

- (1) An organization that serves only its own membership and immediate guests or other structured groups of persons who gather occasionally for fellowship and society that provide the food from amongst their membership;
- (2) An establishment which handles only fresh unprocessed fruits, nuts and vegetables and which operates from a unit that is mobile in nature; and
- (3) The sale, distribution or service of 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.

**Food Establishment Permit or Permit:** The permit issued by the City and authorizing a food establishment to operate within the City.

**Food Handler's Permit:** A permit issued by an approved agency to a person whose job requires the person to handle food.

**Follow-up Inspection:** Any inspection, other than a Routine Inspection or Full Follow-up Re-inspection conducted of a City Permitted Food Establishment, after notice has been given to the Establishment to correct a violation, to document that the violation has been corrected.

**Full Follow-up Re-inspection:** A complete inspection of a City Permitted Food Establishment which is required to be conducted within seventy-two (72) hours of a full routine inspection which resulted in a rating where the cumulative demerit value of the

Establishment exceeded 30 demerits, to ensure that all noted violations have been corrected.

**Law:** Federal, state and local statutes, ordinances and regulations.

**Mobile Unit:** A Vehicle-mounted Food Establishment or a Food Establishment pulled behind a Vehicle so as to be readily moveable.

**Person:** An individual, partnership, corporation or other business entity.

**Person in charge:** Supervisory Personnel or other person present in a Food Establishment who is the apparent supervisor of the Food Establishment at the time of inspection. If no person is the apparent supervisor, then any employee present shall be deemed as the person in charge.

**Regulatory Authority:** The State of Texas and/or the City of Corinth, Texas, as applicable.

**Routine Inspection:** An unannounced inspection conducted of a City Permitted Food Establishment to determine the compliance of the Establishment with the provisions of this Chapter.

**Rules:** The Texas Department of Health, Bureau of Food and Drug Safety, Retail Foods Division, "Texas Food Establishment Rules", 25 Texas Administrative Code §§228.161 – 228.171, and 228.173 – 228.175, as amended.

**Service Animal or Assistance Animal:** A canine that is specially trained or equipped to help a person with a disability, to include assistance with one or more tasks, including: (1) guiding a person who has a visual impairment; (2) alerting a person who has a hearing impairment or who is deaf; (3) pulling a wheelchair; (4) alerting and protecting a person who has a seizure disorder; (5) reminding a person who has a mental illness to take prescribed medication; or (6) calming a person who has post-traumatic stress disorder. The term does not include an animal that provides only comfort or emotional support to a person.

**Snow Cone:** Snow cone and/or a snow cone-type product defined as crushed or shaved ice served in a single use container and topped with flavored syrups, or an equivalent product.

**Supervisory Personnel:** The certificate holder, individual having supervisory or management duties and any other person working in a Food Establishment who may be in charge of its operation.

**Temporary Food Establishment:** A Food Establishment as defined herein which is operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration, including carnivals, fairs, festivals, and other events.

**Vehicle:** A self-propelled vehicle, or a vehicle, other hand a motorcycle, that is used to transport persons and designed to accommodate ten (10) or fewer passengers, include the operator.

### **§110.03 Enforcement of These Provisions**

The Director of Planning and Development is responsible for the enforcement of the Rules and the provisions of this Chapter.

### **Section 110.04 – 110.09. Reserved**

## **ARTICLE II. PERMIT REQUIREMENTS**

### **§110.10 Permit Required to Operate a Food Establishment**

#### **A. Requirement**

- (1) A Person commits an offense if the person sells, offers to sell, gives away, trades or otherwise conveys food to the public or operates a Food Establishment within the City of Corinth, Texas, without having first obtained a Food Establishment Permit issued by the City.
- (2) A Person commits an offense if the Person operates, allows or causes the operation of a Food Establishment within the City in violation of any one or more of the Rules or of this Chapter.

#### **B. Issuance of Permits**

- (1) A person desiring to operate a food establishment shall make written application for a permit on forms provided by the City. The application shall include:
  - (a) the applicant's full name and street address and whether such applicant is an individual, firm, corporation or partnership. If the applicant is a partnership, the names of the partners, together with their addresses shall be included;
  - (b) the location and type of the proposed food establishment;
  - (c) the signature of the applicant or applicants, or agents;
  - (d) copy of the valid driver's license or other state identification card of the applicant or the applicant's agent; and
  - (e) such other information as the Director deems necessary.
- (2) An application for a permit for a mobile unit, or temporary food establishment which operates from a fixed food facility, or commissary,

located outside the City, shall include with the completed application a copy of the facility's current, valid health permit (state or local).

- (3) Prior to approval of an application for an existing, proposed or extensively remodeled food establishment, the Director shall review all available documentation for such establishment to ensure that such facility complies with the rules and regulations of this Chapter. An application for a permit shall be denied if any part of the application is improperly or erroneously completed, or if any part of the required documentation is not properly submitted. A person whose application is denied may appeal the denial in accordance with the provisions of §110.13.

C. If a single building or establishment contains multiple, separate, distinct food operations, as noted above in subsection A.(1) of this section, regardless of whether one or all of the operations are owned or operated by one or more individuals or entities, a separate food establishment permit, and payment of a separate permit fee shall be required for each operation.

D. Permit Fee and Duration

- (1) Except as set forth in subsection (3) hereof, each food establishment operating within the corporate limits of the City shall pay to the City the permit fee as provided in the Fee Schedule of the City at the time of application.
- (2) A permit shall remain in force for one (1) year from the date of issuance unless suspended or revoked for cause or as otherwise provided herein.
- (3) No fee of any kind shall be charged to any food establishment owned and operated by a governmental agency, independent school district, institution of purely public charity, or religious institution; however, such establishments shall be required to obtain a permit and shall comply with all other requirements of this Chapter, the Rules, and applicable state and federal law. Written documentation of tax-exempt status of a non-profit organization under federal or state law must be provided to the City at the time of application in order to be exempt from payment of the permit fee.
- (4) As a condition of the permit, unless exempt under subsection 3, the food establishment shall pay all fees, including inspection fees, assessed in accordance with this Chapter and for any examination fees required. A permit shall not be renewed unless the permit holder has paid all fees previously assessed.

### **§110.11 Suspension of Permit**

#### **A. Suspension**

- (1) If a permit holder or operator has failed to correct a violation of this Chapter after receiving two (2) written notices for the same violation, whether noted during a routine inspection or re-inspection, the Director may suspend the food establishment permit.
- (2) If an imminent health hazard is found the food establishment permit may be immediately suspended until the hazard is successfully mitigated.

#### **B. Order of Suspension**

The Director shall notify the permit holder, operator, or person in charge of the food establishment at the time of inspection, in writing, that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if the permit holder submits a written request for a hearing within five (5) days. The hearing shall be held in accordance with §110.13. Notwithstanding the other provisions of this Article, whenever the City finds unsanitary or other conditions in the operation of a food establishment which constitute an imminent or substantial hazard to the public health, a written notice may be issued to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, the order may state that the permit is immediately suspended, and all food operations are to be immediately discontinued.

#### **C. Sign**

If a permit is suspended, a sign stating "Closed by Order of the City of Corinth Planning and Development Department" shall be placed on the entrance to the food establishment in plain view of the public. A person commits an offense if the person removes, covers, alters, defaces, or otherwise makes unreadable said sign.

### **§110.12 Reinstatement of Suspended Permit**

A person whose food establishment permit has been suspended may, at any time, make written application for a re-inspection for the purpose of reinstating the permit. The application shall include, in addition to the items specified in §110.004, a statement signed by the applicant the conditions causing suspension of the permit have been corrected and explain how they have been corrected. The Director shall make a re-inspection. If upon re-inspection, the establishment is found to be in compliance with the requirements of this Chapter, the Director of Planning and Development shall reinstate the permit.

### **§110.13 Revocation of Permit/Appeal**

#### A. Basis

In addition to having the authority to deny a Permit in accordance with Section 110.10(B) or as otherwise provided herein, the Director may revoke a food establishment permit if the permit holder is found to have committed repeated violations of any of the requirements of this Chapter, or for interference with the City Health Officer in the performance of his or her duties. Prior to such action, the City shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless the permit holder files a written request for an appeal with the Director, within such five (5) day period, which shall state the reasons the revocation is not authorized. A permit shall be suspended pending its revocation or a hearing relative thereto.

#### B. Appeal

If requested as authorized by this Chapter, an appeal hearing shall be conducted by Director within ten (10) days following the date that the permit holder filed the written request for appeal. Within five (5) days after the date of the hearing before the Director, the permit holder may appeal the decision of the Director to the City Council. The City Council shall conduct such hearing at a date, time and place designated by them. Based upon the record of such hearing, the City Council shall make a finding and shall sustain, modify or rescind any official notice or order considered in the appeal. The City Council shall provide a written decision to the permit holder at the address furnished by the permit holder. The decision of the City Council shall be final and non-appealable.

### **§110.14 Inspections of Food Establishments**

#### A. Frequency

An inspection of a food establishment shall be performed at least one (1) time every six months and may be performed more frequently as determined necessary by the Director for the enforcement of the Rules and this Chapter.

#### B. Fee

An inspection fee shall be charged in accordance with this Chapter and the Fee Ordinance as adopted by the City Council of the City, as amended from time to time.

#### C. Right of Entry

As a condition of the food establishment permit, an employee or designated representative of the City, after presenting proper identification, shall be permitted to enter any permitted food establishment at any reasonable time, for the purpose of making inspections to determine compliance with provisions of the Rules and

this Chapter. The agent shall be permitted to examine the Food Establishment and the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

D. Findings

Whenever an inspection of a food establishment or commissary is made, the Director shall record the findings on an inspection report form. The inspection report form shall summarize the requirements of the Rules and this Chapter 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 100. A full follow up inspection shall be conducted where the inspection of the establishment results in at least 30 demerits.

E. Report

A copy of the inspection report form shall be furnished to the person in charge of the food establishment at the conclusion of the inspection. The completed inspection report form is public information that shall be made available for public disclosure to any person who requests it in accordance with applicable law.

**§110.15 Correction of Violations**

A. Correction Period

The inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified in accordance with the following provisions:

- (1) If an imminent health hazard exists such as complete lack of refrigeration or sewage backup into the food establishment or similar violations, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized to do so in writing by the City.
- (2) All violations of four (4) or five (5) point weighted items shall be corrected as soon as possible, but in any event, within ten (10) calendar days following inspection, the holder of the permit, license, or certificate shall submit a written report to the Director stating that all four (4) or five (5) point violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
- (3) All one (1) or two (2) point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

- (4) When the rating score of the establishment is less than sixty (60), the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One or more re-inspections will be conducted at reasonable time intervals to assure correction.

B. Inspection Report

The inspection report shall state that failure to comply with any time limits specified for corrections may result in suspension of the food service operations. An opportunity for appeal from the inspection findings and time limitations will be provided if a written request for a hearing is filed with the Director within ten (10) calendar days following suspension. If a request for a hearing is received, the Director shall hold a hearing in accordance with Section §110.11.

C. Closure

Whenever a food establishment is required under the provisions of this section to suspend operations, it shall not resume operations until such time as a re-inspection determines that conditions responsible for the requirement to cease operations no longer exists and written notice is provided by City to the food establishment.

**§110.16 Submission and Review of Plans Required**

A. Requirements

A person commits an offense if the person:

- (1) constructs a food establishment without submitting plans and specifications for such construction, remodeling, or conversion to the Director for review and approval before construction begins;
- (2) extensively remodels a food establishment without submitting plans and specifications for such remodeling to the Director for review and approval before remodeling; or
- (3) converts an existing structure to a food establishment without submitting properly prepared plans and specifications for the conversion to the Director for review and approval before conversion begins.

B. Plans

The plans and specifications shall indicate the proposed layout of the food establishment, arrangement of all intended equipment, mechanical plans, types of construction materials and finish schedules for all areas, and the type and model of all proposed equipment to be installed. The Director shall review and approve the plans and specifications to determine if they meet the requirements of this Chapter, the Rules, and applicable laws.

C. Compliance with Code

No food establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the Director. Food facility owners/operators as well as all general contractors and sub-contractors, shall ensure during plan review, construction, and operation that their facilities comply with all applicable City Plumbing, Mechanical, Electrical, Building, Zoning, and Fire Prevention and Protection Codes.

D. Permit

A building permit to begin construction shall not be issued until the City has reviewed and approved the plans and specifications for the proposed construction.

E. Approved Materials

Only commercial quality equipment, utensils, and materials that meet or exceed current accepted National Sanitation Foundation (NSF) standards, or their equivalent, will be approved for installation and use.

F. Inspections

The Director shall conduct one (1) or more inspections of the food establishment prior to the start of operations to determine compliance with the approved plans and specifications, the requirements of this Chapter, the Rules and the regulations of the City, and all other applicable state and federal laws.

G. Closure

If upon inspection at any time, the food establishment facility is found to not be constructed in accordance with approved plans, and/or any fixed equipment has been added or removed without prior written approval by the City, the Director shall order the establishment to cease operation immediately, and to replace or remove the equipment in question, prior to resuming operation.

H. Fee

A fee for plan review shall be assessed in accordance with the fee schedule set forth in the Code of Ordinances of the City.

**§110.17 Food Protection Manager Registration Required**

A. Requirement

A person commits an offense if the person intentionally, knowingly or recklessly owns, manages or operates a food establishment and fails to employ at least one (1) registered food protection manager who shall be continuously on-site during

all hours of operation of that food establishment, who is responsible for food preparation, presentation, sales, and service, and who has a valid food protection manager registration issued by the City or the State of Texas.

B. Additional Managers

- (1) The City may require additional registered food protection managers in sufficient number to ensure that all areas of food preparation, presentation, sales and service, are supervised and managed under the direction of certified supervisory personnel during all times of operation.
- (2) A person commits an offense if the person intentionally, knowingly, or recklessly owns, manages or operates a food establishment and permits said establishment to be operated with less than the required number of certified food protection managers.

C. Replacement Required

A person commits an offense if the person owns, manages or operates a food establishment and fails to:

- (1) provide the City written notice, within seven (7) days of the effective date of termination or permanent transfer of the registered food protection manager; or
- (2) employ another registered food protection manager within thirty (30) days of the effective date of termination or permanent transfer of the previous registered food protection manager.

**§110.18 Registration of Food Protection Manager**

A. Registration

The Director shall issue a food protection manager registration to any person who submits the required application, pays the required fee, and provides satisfactory evidence of completion of an approved Food Protection Manager Certification course. An approved Food Protection Manager Certification course shall be accredited by the Texas Department of Health. The fee shall be as set forth in the City's fee schedule, as adopted by the City Council, and as amended from time to time.

B. Additional Training

The Director may require a registered food protection manager to successfully complete additional training when:

- (1) the employing food establishment has repeated, or persistent violations of health code requirements and effective corrective action has not been

instituted over a period of time as previously instructed in writing by the Director; or

- (2) the employing food establishment has been implicated by the regulatory authority as the source of food-borne illness.

C. Renewal and Evidence of Registration

- (1) Unless sooner revoked by the Director, a food protection manager registration expires three (3) years from the date of issuance.
- (2) During those times a registered food protection manager is on duty at a food establishment, the registered food protection manager shall possess evidence of registration.
- (3) The food protection manager's registration certificate shall be prominently posted in the permitted establishment.
- (4) A food protection manager certificate of registration shall not be transferable.

D. Responsibilities of Food Protection Managers

A registered food protection manager shall be responsible for adequate instruction of the employees of the food establishment for which he or she works to ensure and maintain safe food handling practices within the establishment.

E. Exemption from Requirements

- (1) The Director may waive the requirements of this Section for the following, provided that such waiver is in writing:
  - (a) food establishments that serve, sell, or distribute only prepackaged foods, and/or open foods that are not potentially hazardous; and/or
  - (b) temporary food establishments, special facilities and/or events.
- (2) The Director of Planning and Development may require the manager of a food establishment exempted under subsection (1) to comply with certified food protection manager's certification requirements if critical food safety violations are observed, or, if in the judgment of the Director, the nature of the operation requires such certification.

F. Revocation and Appeal

- (1) The Director may revoke a registration of a food protection manager if the City Health Officer determines that the food protection manager has:

- (a) interfered with a health officer in the performance of his duties;
  - (b) been convicted twice within a twelve-month period for a violation of this Chapter or the Rules;
  - (c) failed to comply, within the time specified, with an order to correct or abate an imminent and serious threat to the public health or safety;
  - (d) intentionally or knowingly impeded a lawful inspection by a health officer; or
  - (e) that the food service establishment at which the manager works has been closed two (2) or more times within a twelve (12) month period for conditions that constituted a serious and imminent threat to public health.
- (2) The Director shall give the manager written notice of the revocation and the registration holder's right to appeal by filing with the Director a written request for an appeal and state the basis for the appeal within five (5) days.
- (3) If an appeal is filed, the City Manager shall conduct a hearing within ten (10) days following the receipt of the registration holder's appeal and based upon the evidence presented, shall affirm or reverse the revocation. The determination of the City Manager shall be final.

**§110.19 Food Handler's Permit Required**

- A. A person whose work brings him or her into contact with the handling of food, utensils or food service equipment, must possess a food handler's permit issued in accordance with this Chapter and the Rules.
- B. A person who owns, manages, or otherwise controls a food service establishment shall not intentionally, knowingly, or recklessly permit any person to be employed if the person's work brings him into contact with the handling of food, utensils or food service equipment unless the person possesses a valid food handler's permit.

**§110.20 Re-inspection Fees**

A. Follow-up Inspection

If a follow-up inspection of a food establishment is required by the City to verify correction of a violation, a re-inspection fee shall be paid to the City. This fee shall be paid by the food establishment to the City within seventy-two (72) hours following the inspection.

B. Fee for Reinspection - Multiple Violations

If a routine inspection of a food establishment reveals serious, multiple violations in food safety or overall level of sanitation, a full follow up re-inspection will be conducted of the establishment to verify correction of the existing condition. In this instance, a fee of fifty percent (50%) of the food establishment's annual permit fee shall be submitted to the City along with a signed letter, stating that each identified violation is corrected, and the method of correction, prior to the scheduled date of re-inspection.

C. Failure to Pay

Failure to pay the required re-inspection fee(s) shall result in the immediate suspension of the establishment's permit, and the establishment shall be ordered to cease operation immediately. The food establishment shall remain closed until the violation(s) are corrected, all required fees are paid, and a re-inspection is conducted to verify that the violations are corrected.

**§110.21. Service Animals**

A. Dogs and Outdoor Dining. Except as provided in subsection 12 of this Section for a Service or Assistance Animal, dogs may be allowed to be present in the outdoor patio area of a food establishment if the following provisions are met:

- (1) A separate entrance shall be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment.
- (2) A sign must be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY RESTAURANT - DOG ACCESS ONLY THROUGH OUTDOOR PATIO."
- (3) All outer doors to patio from the interior of the food establishment must be protected with self-closing hardware.
- (4) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area.
- (5) The outdoor patio must be cleaned upon the departure of a dog with animal friendly chemicals that sanitize the area, and the waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.
- (6) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.

- (7) A dog shall be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.
- (8) A dog shall not be allowed on a seat, table, countertop, or similar surface in the outdoor patio area.
- (9) Waste created from a dog's bodily functions must be cleaned up in accordance with a product approved under the authority of 228.201 through 228.213, as applicable. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.
- (10) A dog may be given food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area and may be given water. All food and water shall be served in a single-service article, such as a disposable bowl, plate, or other container.
- (11) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with the provisions of this section.
- (12) Notwithstanding the foregoing, A Service Animal or Assistance Animal as defined by herein shall be allowed admittance into any area of a food establishment that is open to customers and is not used to prepare food if (1) the service animal is accompanied and controlled by a person with a disability; or (2) the service animal is in training and is accompanied and controlled by an approved trainer.

**§110.22- §110.29 Reserved.**

### **Article III. SNOW CONE ESTABLISHMENTS AND MOBILE UNITS**

#### **§110.30 Permit Requirements for Snow Cone Establishment**

##### **A. Generally**

A person commits an offense if the person:

- (1) operates a snow cone establishment out of a temporary building without a food establishment permit issued by the City; or
- (2) operates a snow cone establishment in violation of the requirements of Chapter 110 of Title XI, "Business Regulations" of the Code of Ordinances of the City, as amended.

B. Direction

Unless suspended or revoked under the provisions of this Chapter, a permit for a snow cone establishment shall be valid for a period of six (6) months from the date of issuance. No permit shall be valid longer than six (6) months from the date of issuance.

C. Revocation and Appeal

A permit is subject to revocation in accordance with the procedures set forth in this Chapter, including without limitation, §110.13 for violations of the provisions of this Chapter. A revoked permit shall be subject to appeal in accordance with the provisions of §110.13.

D. Fee

An applicant shall pay a permit fee at the time of application in accordance with applicable provisions of Chapter 110.

**§110.31 Special Requirements for Snow Cone Establishments**

A. Requirements

A person who operates a snow cone establishment shall:

- (1) prepare or offer for sale only snow cones, snow cone related foods, and commercially prepackaged non-potentially hazardous foods, and all products must come from an approved source;
- (2) not serve or utilize potentially hazardous foods, toppings, or flavorings, as defined by the Texas Food Establishment Rules; and
- (3) use only ice obtained in chipped, crushed, cubed, or blocked form and in single-service packaging, filled and sealed at the point of manufacture. The ice shall be held in these bags until dispensed in a way that protects it from contamination.

B. Required Equipment

A snow cone establishment shall contain:

- (1) a single unit type stainless steel three (3) compartment sink with attached drain boards; the sink compartments shall be large enough to accommodate the largest piece of equipment or utensil that must be used and cleaned in the facility;

- (2) a separate, dedicated hand-washing sink with hand-cleansing soap and sanitary, single-use towels. The sink shall be provided with hot and cold water, immediately available on demand; and
- (3) service and delivery openings designed and functioning properly to prevent the entrance of flying insects. Service openings shall be closed, or screened, except during actual service of food to a consumer.

C. Water Supply

The water supply for a snow cone establishment shall comply with the following requirements:

- (1) All equipment used for a potable water supply system shall be listed for such use by an organization acceptable to the City and shall be installed and operated according to law.
- (2) All potable water not provided directly by pipe to the establishment from an approved source shall be transported in bulk water transport system or individual containers and shall be delivered by direct connection to a self-contained water system or be delivered to a self-contained water system by direct hose attachment from an approved water source.
- (3) All potable water containers or hoses shall be used only for water supply purposes.
- (4) A self-contained water system of sufficient capacity to furnish an adequate quantity of potable water for cleaning and hand washing purposes shall be provided (minimum fifteen (15) gallons). If at any time the City determines that fifteen (15) gallons is not adequate to meet the needs of the operation, the capacity must be increased to a volume approved by the City.
- (5) A water heater system capable of producing water of one hundred ten degrees Fahrenheit (110° F), or hotter, which is installed and interconnected with the potable water supply, shall be provided.
- (6) The water system shall be capable of delivering a water supply under pressure of at least fifteen (15) pounds per square inch (psi) at all times. If such water pressure cannot be provided by gravity flow, then a tank and a pump or other means, which will provide pressure of at least fifteen (15) pounds per square inch (psi) shall be installed.

D. Liquid Waste

- (1) If a snow cone establishment is not connected to the public sewage system, all liquid waste from the operation shall be held in an approved, permanently installed liquid waste retention tank, or portable removable waste retention tank.

- (2) The liquid waste tank shall have a capacity at least fifty percent (50%) greater than the potable water tank.
- (3) All waste lines shall be properly installed and connected to the liquid waste tank with watertight seals.
- (4) All liquid waste from the holding tank shall be transported and disposed of in an approved manner. There shall be an approved liquid waste disposal facility conveniently located and accessible for use by the establishment employees at all times. If the facility is not located within the establishment, it must be located within a three hundred feet (300') radius of the snow cone establishment to be considered convenient.

E. Employee Restrooms

- (1) A snow cone establishment shall have adequate, conveniently located and accessible toilet and lavatory facilities available at all times, and these facilities shall be constructed and maintained to meet the standards set forth for public restroom facilities.
- (2) If toilet facilities meeting the requirements of subsection (1) are not located within the establishment, they must be located within three hundred feet (300') radius of the establishment to be considered convenient.

F. Use of Facilities Not Located Within Snow Cone Establishment

- (1) If liquid waste disposal facilities and toilet and lavatory facilities are located off-site, a notarized letter from the owner of property within five hundred (500) feet of the site of the snow cone establishment must be submitted with the permit application giving permission for the snow cone establishment's employees to use such facilities, and that the facilities will be properly maintained and available for use at all times during the business hours of the establishment.
- (2) If suitable restroom facilities are no longer available for use by the snow cone establishment's employees, the establishment shall cease operation immediately and remain closed until the City receives evidence of a notarized agreement with the authorized representative of another off-site facility providing restroom facilities for the establishment.

G. Garbage

If outside seating is provided, an easily cleanable, covered trash container shall be provided on the outside of the establishment.

### **§110.32 Requirements for Mobile Units**

#### **A. Permit Required**

- (1) All mobile units originating from or serving food within the City shall have a valid City food establishment permit, which shall be kept in the vehicle at all times. In addition to compliance with all other provisions of this Chapter, the Rules, and other applicable local, state and federal laws, each Mobile Food Unit shall be subject to an inspection for compliance with the City's adopted Fire Code, as amended. The permit shall bear the name of the registered owner of the truck and truck license plate number.
- (2) The permit shall be subject to revocation pursuant to §110.13. If a permit is revoked, the permit holder has the right to appeal in accordance with the provisions of §110.13.

#### **B. Requirements**

The permit holder for a mobile unit shall:

- (1) protect food from contamination and keep the truck clean and free of rust and corrosion;
- (2) identify all mobile food units using the same name that is on the permit such that the name of the food establishment is clearly visible and identified to the public;
- (3) serve all condiments and spices, such as salt, pepper, sugar, ketchup, mustard, mayonnaise, sauces, non-dairy creamer, etc. in single-serving containers. No bulk dispensers, bottles or cans shall be permitted;
- (4) Use all single-service tableware individually wrapped in plastic;
- (5) dispose of sewage, wastewater and solid waste according to law; and
- (6) ensure that the wastewater tank outlet is lower than the inlet to the potable water supply.

### **§110.33 Violations.**

#### **A. Generally**

A person commits an offense if the person intentionally, knowingly or recklessly violates any one or more of the provisions of this Chapter or interferes with the Director in the exercise of his or her duties under this Chapter, the Rules or other applicable law. Notwithstanding any provisions contained herein to the contrary, the Director is hereby granted the authority to issue immediate citations to persons violating any provision of this Chapter in the Director's presence."

**SECTION 3**  
**Cumulative Repealer**

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 4**  
**Severability**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**  
**Savings**

That all rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6**  
**Penalty**

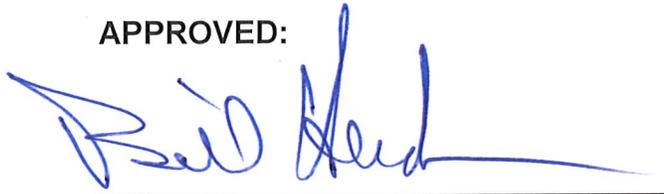
Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**Publication/Effective Date**

This Ordinance shall take effect and be in full force from and after the date of its passage and publication, as provided by the Texas Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the 23 day of May 2019.

APPROVED:



Bill Heidemann, Mayor  
City of Corinth, Texas



ATTEST:

  
\_\_\_\_\_  
Kimberly Pence, City Secretary  
City of Corinth, Texas

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Patricia A. Adams, City Attorney