

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE XI TITLED BUSINESS REGULATIONS, BY AMENDING CHAPTER 110, TITLED FOOD ESTABLISHMENTS, INSTITUTING STATE MANDATED CHANGES; PROVIDING A VIOLATION OF CHAPTER 110 IS A MISDEMEANOR, PROVIDING A CUMULATIVE CLAUSE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 110 (entitled “*Food Establishments*”) of the City of Pflugerville, Texas Code of Ordinances was adopted to protect the public health and welfare in regards to food safety; and

WHEREAS, City Council deems it proper to best serve the public by designating the City of Pflugerville as the agency that shall enforce the chapter; and

WHEREAS, City Council deems it necessary to adopt the changes to Chapter 110 that are the result of the passage of Texas Senate Bill 582 of the 84th Legislative Session; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Title XI (entitled “*Business Regulations*”), Chapter 110 (entitled “*Food Establishments*”), is hereby amended by deleting language that is stricken (~~stricken~~) and adding language that is underlined (underlined) as follows:

§ 110.02 DEFINITIONS.

STATE RULES. The state rules found at 25 Texas Administrative Code, Chapter 2289, Sections 161 through 171 and Section 173 through 175. These rules are also known as the Texas Food Establishment Rules.

§ 110.23 REGISTRATION OF FOOD HANDLERS.

(3) ~~Display of food handler certificates. Upon completion of the prescribed class and necessary administrative processing, each individual will be issued a food handler’s certificate that will be posted at the place of employment in a location readily accessible to the regulatory authority for verification.~~

(3) ~~(4)~~ Manager and supervisory personnel. Managers, assistant managers, and shift supervisors who have completed the state certified food protection manager certification program must post their certification from the state with the employee's certifications.

§110.40 ADOPTION OF TEXAS FOOD ESTABLISHMENT RULES AND APPLICATION OF STATE LAW.

The city adopts by reference the provisions of the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission ~~Texas Board of Health~~ found in 25 Texas Administrative Code Chapter 2289, ~~Section 161 through 171 and 173 through 175~~ regarding the regulation of food establishment in this jurisdiction. In the event that there is a conflict between the Executive Commissioner of the Health and Human Services Commission ~~Texas Board of Health Rules~~ and this chapter, the more stringent, as determined by the health official, shall prevail.

Section 3. Repealer. This ordinance shall be cumulative of all provisions of the City of Pflugerville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council of the City of Pflugerville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

Section 5. Penalty. A violation of Chapter 110 of the Code of Ordinances after the Effective Date of this Ordinance shall be a misdemeanor as provided by Chapter 110.71.

Section 5. Effective Date. This Ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this _____ day of _____, 2016.

CITY OF PFLUGERVILLE, TEXAS

by: _____
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH P.C.