

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

ORDINANCE

**AMENDING CHAPTER 13 OF THE CITY CODE ENTITLED
“FOOD AND FOOD HANDLERS” TO ADOPT THE NEW TEXAS
FOOD ESTABLISHMENT RULES AND PROVIDING FOR
PENALTIES AND PUBLICATION.**

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WHEREAS, effective August 8, 2021, the Texas Department of State Health Services (DSHS) updated the Texas Food Establishment Rules (TFER) to include adopting by reference the 2017 U.S. Food and Drug Administration Food Code; and

WHEREAS, the San Antonio Metropolitan Health District (Metro Health) is the local public health agency with the responsibility for providing public health programs and services in San Antonio and Bexar County; and

WHEREAS, Metro Health identified sections of the City Code that were outdated and do not align with current public health practices; and

WHEREAS, approval of the proposed City Code amendments will bring the City Code up to current public health practices and the updated TFER recently implemented by the DSHS; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 13 of the City Code of San Antonio, Texas entitled "Food and Food Handlers" is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 13 of the City Code of San Antonio, Texas is hereby amended as follows:

Sec. 13-2. - Food establishment rules.

(a) The following are hereby adopted by this chapter:

1. ~~25 Texas Administrative Code (TAC) Part I, chapter 229, §§ 229.210 – 229.222, Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food.~~

2. The Texas Food Establishment Rules, 25 TAC §§ 228.1 – 228.246, effective date

August 8, 2021. TAC §§ 228.1—228.278, effective date October 12, 2015.

- (b) The following sections of the Texas Food Establishment Rules are not adopted by this chapter:

25 TAC §§ 228.2(2), 228.2(12), 228.2(14)(c)(i – vi), 228.2(26).
TAC §§ 228.2(3), 228.2(47), 228.2(57)(D), 228.2(123), 228.2(129) and 228.2(143).

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Sec. 13-43. - Sanitation requirements of temporary food service establishments.

- (a) Sanitation of temporary food establishments will be governed by 25 TAC § 228.222
229.170 of the Texas Food Establishment Rules as adopted in section 13-2 13.1.

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Sec. 13-64. - Sanitation requirements generally.

Mobile food establishments shall comply with the following requirements. These requirements pertain to all mobile food establishments unless specifically addressed otherwise:

1. Mobile food establishments shall comply with all sanitation and construction regulations as outlined in 25 TAC § 228.221-229.169 of the Texas Food Establishment Rules as adopted in this chapter unless specifically addressed in this section.

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Sec. 13-119. - Food handler certification required.

- (a) Food handler certification is required of all employees of a food establishment regardless of their position unless exempted under section 13-121. The food establishment shall maintain on the premises a certificate of completion of the food handler training course for each food employee. During those times that a certified food handler is on duty at a food establishment, the certified food handler shall present their issued identification card for examination when requested to do so by the director or designee.
- (b) All employees of a food establishment shall ~~establishments that are required to have certified food handlers due to meeting the criteria provided in this section must meet this requirement within thirty (30) sixty (60) days from the date the establishment is notified by the director of employment.~~
- (c) ~~If a food establishment cannot meet the requirements of this section because of the termination or permanent transfer of a certified food handler, the food establishment shall:~~

~~(1) Notify the director, in writing, within twenty (20) days of the effective date of termination or permanent transfer of the certified food handler; and~~

~~(2) Employ another certified food handler within sixty (60) days of the effective date of termination or permanent transfer of the certified food handler.~~

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. All other provisions of Chapter 13 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 5. Violations occurring after the effective date of this ordinance shall be punished as provided in the revised Chapter 13 of the City Code of San Antonio. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 6. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 7. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 8. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 9. The revisions to Chapter 13 of the City Code of San Antonio, Texas shall be effective on January 1, 2022.

SECTION 10. Penalties provided for in the revised Chapter 13 of the City Code of San Antonio shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this 4th day of November, 2021.

M A Y O R

SS
00/00/2021
Item No.

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

DRAFT