

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE INSTALLATION, USE, MAINTENANCE, REQUIREMENTS, MONITORING, AND ENFORCEMENT OF PEST CONTROL IN A COMMERCIAL FOOD ESTABLISHMENT BUSINESS, Retail Food Stores, Mobile Food Units, & Roadside Vendors.

WHEREAS, it is the desire of the City Council to prevent health and food safety issues within publically used food establishment businesses by way of pest control methods. This is especially important in connected buildings with common space that pests can travel between one business to another, by establishing guidelines in accordance with the State of Texas and Department of State Health and Safety.

PEST CONTROL

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

Section 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Amendment to _____ of Glen Rose's Code of Ordinances by adding _____ of Glen Rose's Code of Ordinances by adding _____ hereby amended to read as follows:

Applicability and Prohibitions

- (a) This ordinance shall apply to any Food Establishment. And follows the Food establishment laws provided by the Department of State Health Services as adopted on October 11, 2015.
- (b) Detailed records of the types of pesticides used and the application methods, along with the proof of certification of the applicator and the frequency of service must be kept for a period of 3 years.
- (c) Chemicals used cannot put food at risk of contamination.

Definitions

- (a) Pest Control--The inspection or control of pests in and around structures or pest animals which may invade homes, restaurants, stores, and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself. Examples of such pests are cockroaches, silverfish, ants, fleas, ticks, flies, mosquitoes, rats, mice, skunks, raccoons, opossums, etc.
- (b) Licenses Pest Control Operator – The state of Texas requires professional pest control technicians to be licensed to apply general and restricted-use pesticides in commercial settings.

Requirements

- (a) Controlling pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:
 - (1) routinely inspecting incoming shipments of food and supplies;
 - (2) routinely inspecting the premises for evidence of pests;

- (3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under §228.204(b) and §228.208(b) of the State of Texas Food Establishment Rules
- (4) eliminating harborage conditions.

§228.204 (b)(1)(B) §228.206 (a)(1) (B) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment; P (C) the conditions of certification, if certification is required, for use of the pest.

§228.208. Pesticides. (a) Restricted use pesticides, criteria. Restricted use pesticides specified in §228.204(b)(3) of this title shall meet the requirements specified in 40 CFR 152, Subpart I, Classification of Pesticides. P (b) Rodent bait stations. Rodent bait shall be contained in a covered, tamper-resistant bait station. P (c) Tracking powders, pest control and monitoring. (1) Except as specified in paragraph (2) of this subsection, a tracking powder pesticide may not be used in a food establishment. P (2) If used, a nontoxic tracking powder such as talcum or flour may control materials; P and (D) additional conditions that may be established by the regulatory authority; P and (2) applied so that: (A) a hazard to employees or other persons is not constituted; P and (B) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by: P (i) removing the items; P (ii) covering the items with impermeable covers; P or (iii) taking other appropriate preventive actions; P and (iv) cleaning and sanitizing equipment and utensils after the application. P (3) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136(e), Certified Applicator of the Federal Insecticide, Fungicide and Rodenticide Act, or a person under the direct supervision of a certified applicator. P §228.205. Container Prohibitions, Poisonous or Toxic Material Containers. A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food. P