

Sec. 10-50. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Category I means food establishments that may require a high frequency of inspections under the Texas Food Establishment Rules may be classified by the regulatory authority as category I. The term "category I" includes a food establishment that prepares, serves, and sells food from raw meats or seafood, extensively handles foods, serves a highly susceptible population, or is subject to one or more other factors that require more frequent inspections. Without limiting the types of food establishments that may be included in this category, examples of category I food establishments include full service restaurants, fast food restaurants, hospitals, nursing homes, schools, meat markets, seafood markets, sandwich shops, delicatessens, and supermarkets.

Category II means food establishments that may require a lower frequency of inspection under the Texas Food Establishment Rules may be classified by the regulatory authority as category II. The term "category II" includes, without limitation, a food establishment that, with limited food handling, sells only prepackaged foods or prepares, serves, or sells food from pre-cooked ingredients or from ingredients with a low potential for creating a food-borne hazard. Without limiting the types of food establishments that may be included in this category, examples of category II food establishments include packaged grocery stores, convenience stores, produce markets, commissaries, ice cream shops, bakeries, day care facilities, adult care facilities, nursing homes, and lounges.

Category III means food establishments that may require a low frequency of inspection, or that may be temporary or seasonal, may be classified by the regulatory authority as category III. Without limiting the types of food establishments that may be included in this category, examples of category III food establishments include concession stands, seasonal food service, mobile food units, and produce stands.

Mobile food unit means a vehicle mounted food establishment which is readily moveable, and with pre-authorization from site owners, is allowed to move from one (1) designated location to another designated location for the purpose of food sales intended for persons or employees at that specific location only. Mobile food establishments are required to meet all applicable codes as required by the city or other regulatory agencies.

Pushcart means a non-self-propelled mobile food unit limited to serving non-potentially hazardous food products of ice cream, popsicles, or other such items as authorized by the local regulatory authority.

Regulatory agency means the city, by and through a contracted agent acting on the city's behalf, or as otherwise designated by the city manager.

Temporary food service establishment means a food establishment that operates for a period of no more than seven (7) consecutive days in conjunction with an event or celebration such as, fair, grand opening, carnival, public exhibition, or similar gathering.

(Ord. No. 2018-14, 4-9-18)

Sec. 10-53. - Permits.

- (a) *Permits authorized and required.* The regulatory authority is hereby authorized to issue permits for the operation of food establishments, provided that only a person or firm that complies with the requirements of this article shall be entitled to receive and retain such a permit.
- (1) A person may not operate a food establishment in the city without a valid permit issued by the regulatory authority.
 - (2) A valid permit must be posted in public view on or in every food establishment.
 - (3) A permit that has been revoked, that has expired, or that has lapsed for any reason is not valid.
 - (4) A suspended permit is not valid during the period of suspension.
- (b) *Permits not transferable.* Permits are not transferable from one (1) person to another or from one (1) location to another location, except as otherwise permitted by this article.
- (c) *Multiple operations in single location.* If more than one (1) food establishment is conducted in a single building or at the same address, then a separate permit shall be required for each such food establishment, regardless of whether each such food establishment is owned by the same person or by different persons.

(Ord. No. 2018-14, 4-9-18)