

## **S.B. 1008 – Regulation of Food Service Industry - Impacts to the City of Tomball**

### **Quick Reference**

#### **Purpose**

- Closes the potential loopholes identified in previous legislation by setting provisions related to state and local authority to regulate the food service industry.

#### **Local Analysis**

- Prohibits a municipality from requiring a local food permit unless within the jurisdiction of the Department of State Health Services (DSHS).
- Prohibits a municipality from charging a fee more than the DSHS fee if within the jurisdiction of the DSHS.
- Reinspection fees can be charged by a municipality, if necessary to cure a violation, only if the reinspection fee does not exceed the initial inspection fee or \$200.
- Local fee limitations do not prohibit a municipality from assessing a fee to comply with an enforcement order.
- Prohibits a municipality from assessing a local fee if a fee to another entity has been paid (DSHS, county, health district, etc.).
- Requires municipalities to submit a copy of their fee schedule to DSHS for inclusion in the registry within 60 days.
- Requires municipalities to set up a subscription service for stakeholders to be able to subscribe to for fee updates with notification of fee updates within 60 days of being enacted.
- Prohibits a municipality from requiring a sound regulation permit, an associated fee, and prohibiting sound-related activity for food service establishments for the following:
  - Deliveries between 10 pm and 5 am if the delivery lasts one hour or less, the delivery is for food or related items (not including alcohol), and the sound level at nearby residential properties does not exceed 65 dBA.
  - Restaurants playing amplified music or amplified speech within its property boundaries, if not after 10 pm on Sunday through Thursday or 11 pm on Friday and Saturday. The amplified sound measured at the property's perimeter shall not exceed 70dBA or 75 dBC.
  - These provisions are not applicable to food service establishments on property within 300 feet of a residence where the residence was established prior to the food service establishment.

- Restaurants are defined as a business that operates its own permanent food service facility with commercial cooking equipment on its premises; and prepares and offers to sell multiple entrees for consumption on or off the premises.
- Current City of Tomball sound provisions:
  - At residential property, 65 dBA between 7 am and 10 pm and 58 dBA between 10 pm and 7 am
  - At nonresidential property, 68 dBA at all times
- Prohibits a municipality from requiring a permit to transport, deliver, or serve food at a workplace.