



ORDINANCE NO. 3413

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CHAPTER 26, ARTICLE V, ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES, TEXAS ADMINISTRATIVE CODE TITLE 25, CHAPTER 228, ADOPTED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, EFFECTIVE OCTOBER 11, 2015, WITH AMENDMENTS, BY AMENDING SECTIONS 26-151 AND SECTION 26-152; BY AMENDING SECTION 26-154 TO ESTABLISH FEES FOR FOOD SERVICE ESTABLISHMENTS; BY ADDING SECTION 26-155 PROVIDING REGULATIONS FOR SEASONAL SNOW CONE MOBILE FOOD ESTABLISHMENTS; BY ADDING SECTION 26-156 TO PROVIDE REGULATIONS FOR SUMMER FOOD SERVICE PROGRAMS; BY ADDING SECTION 26-157 TO PROVIDE REGULATIONS FOR FARMERS MARKETS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 26, Article V, Sections 26-151 and 26-152 of the Code of Ordinances be amended in part to adopt the Texas Food Establishment Rules codified at Texas Administrative Code Title 25 Chapter 228 adopted by the Texas Department of State Health Services effective October 11, 2015, with amendments to read as follows:

"Sec. 26-151. Adoption of Texas Food Establishment Rules

The Texas Food Establishment Rules codified at Texas Administrative Code Title 25 Chapter 228 adopted by the Texas Department of State Health Services effective October 11, 2015 with exception of such sections thereof as are hereinafter deleted, modified or amended pursuant to Section 26-152 are hereby adopted as the minimum standards for food service operations within the corporate limits of the city, and shall constitute regulations governing the preparation, service, and sale of food within the City. For purposes of this Division, the phrase "Food Establishment Rules" means collectively (i) the Texas Food Establishment Rules as adopted by this Section and (ii) the local amendments adopted pursuant to Section 26-152. The City Manager, or authorized

representative is hereby authorized and directed to enforce all provisions of the Food Establishment Rules."

"Sec. 26-152. Local Rules Adopted

For purposes of enforcement of the provisions of the Food Establishment Rules within the incorporated limits of the City, the following sections, paragraphs, and sentences of the Texas Food Establishment Rules are hereby amended as follows:

*Section 228.2 "Definitions" is amended as follows:*

A. The following definitions are added to read as follows:

Catering Operation - A food establishment that pursuant to a contract or agreement, prepares food in an approved facility and transports food in an approved manner to another location for final cooking or serving.

Certificate of Occupancy -A certificate of occupancy is a document issued by a local government agency indicating that a building complies with zoning and building laws.

Change of Ownership – A change of owner or operator of a food establishment business and does not refer to a change of the owner of the property or building in which the business is located or operated from.

Commissary Approval Letter - A written notarized statement provided by a central preparation facility, or commissary that displays the vehicle identification number of the mobile food establishment, and states that the mobile food establishment receives food, supplies, and/or cleaning and servicing from that facility.

Commissary -A licensed or permitted food establishment that provides the necessary support and required services to a mobile catering truck. A commissary can be a source for obtaining potable water, disposing of wastewater, storage for food and supplies as well as cooking facilities to prepare the food for sale and consumption.

Concession Stand -A food establishment operated on a seasonal basis for the purpose of providing food at sporting and special events associated with an independent school district, university, community college, non-profit organization, privately owned school, or the City of Farmers Branch.

Cottage Food Production Operation –An individual, operating out of the individual's home that is exempt from the requirements of a food service establishment who:

- L Produces a baked good, candy, coated and uncoated nuts, unroasted butter nuts, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, pickles, mustard, roasted coffee or dry tea, or a dried herb or dried herb mix.
- II. Has an annual gross income of \$50,000 or less from the sale of the described foods and;
- m. Sells the foods produced directly to consumers at the individual's home, a farmer's market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.
- iv. Delivers products to the consumer at point of sale or another location designated by the consumer.
- v. A cottage food production operation may not sell a time temperature control safety (TCS) food item to consumers.

Farmers Market -A designated location used primarily for the distribution and sale directly to consumers of food by farmers and other producers. A farmers market is not a food establishment and operates on a seasonal basis.

Farmers Market Vendor – Any person or persons who operate, offers, or sells food typically known as "farm grown", "farm originating", or "farm obtained" from a location approved on private or public property. Foods included in "farm grown" are whole produce, plants, nuts, certain meats, honey, egg, and pasteurized dairy products.

Fixed Commercial Location – A building that can obtain a certificate of occupancy that is not mobile in nature.

FRP Wallboard – Fiber reinforced polyester wallboard with a thickness of 3/32 inch or greater.

Gourmet Mobile Food Truck- A mobile food establishment upon which food is cooked, and packaged for service, sale, or distribution from a truck, bus, or trailer that specializes in gourmet cuisine, specialty items, or ethnic menus. Gourmet food trucks are not licensed as a regular mobile catering truck and operate only under a temporary food permit or seasonal food establishment permit at a public event or at a closed private event. All gourmet trucks involved with grease generating operations and having onboard foodservice equipment such as deep fat fryers, grills, and vent hoods shall have an approved fire suppression equipment installed which is inspected and passed yearly as mandated by the Farmers Branch Fire Marshall before being allowed to participate in any City public event. Gourmet food trucks must be inspected by the regulatory authority before participating in any public special events and must furnish proof of a current

certified food protection manager, notarized commissary approval letter, and a recent sanitation inspection report performed in a City, County, or State agency in which they are licensed in before participating in an event open to the public.

**Heavy Food Preparation** - Any food establishment in which foods are prepared utilizing a grill, griddle, deep-fat fryer, commercial type oven; and/or any similar food preparation equipment, or any area which processes, or cuts time/temperature control (TCS) for safety food items and requires thorough cleaning and sanitizing. Examples of heavy preparation would be, but are not limited to BBQ facilities with smokers, cafeterias, fast food restaurants, full service restaurants, meat and fish markets, donut shops, and pizza shops.

**Light Food Service Preparation** - Any food establishment in which foods are prepared exclusive of the use of fryers, grills, grills, or other similar equipment. Light food preparation is usually limited to the preparation of hot dogs, sandwiches, salads, soups, fountain-type drinks and ice cream or other similar foods. Examples of light preparation would include yogurt, ice cream, sandwich shops, as well as limited concession stands.

**Mobile Food Unit (cold truck)** - A mobile food establishment which conveys food from an approved commissary or central preparation facility; and from which only prepackaged food in individual servings are sold or conveyed in such a manner that no direct food contact occurs.

**Mobile Food Unit (hot food catering truck)** - A mobile catering truck upon which food is stored, prepared, cooked, displayed, and packaged for service, sale or distribution. Hot food trucks with regular service routes are licensed in the City of Farmers Branch.

**No Food Preparation** - Any food establishment in which foods are provided pre-wrapped, from an approved source with only a microwave type heating device used to heat food items that may require reheating. Examples of no preparation would be convenience stores or other types of stores such as novelty or sundry shops which sell candy, bottled beverages, and pre-packaged food items only.

**Seasonal Permit** - A permit which is issued to a food establishment, or farmers market that operates in a fixed location for more than fourteen (14) consecutive days, up to six (6) months.

**Smoker** - Any unit, whether mobile or fixed in nature, which uses wood or wood products to provide smoke for the purpose of slow cooking meats

intended for human consumption. Smokers must meet local zoning, building, and fire codes.

Snow Cones and Snow Cone Products -Any crushed or shaved ice product served in a single service container and topped with non-dairy flavored syrups.

Wholesome -In a sound condition, clean, free of adulteration, and suitable for human consumption. Pre-packaged food items shall be deemed wholesome if it meets the foregoing requirements and is used or sold prior to the "sell by" or expiration date on the package.

B. The following definitions are amended to read as follows:

Plumbing Code - The International Plumbing Code (IPC), 2012 edition, or the most current edition, as adopted by the City of Farmers Branch, and published by the International Code Council as amended by 16 TAC § 70.101.

Regulatory or Health Authority – The City of Farmers Branch, the person or department to whom the City may delegate the enforcement responsibility of the food code.

Temporary food establishment - A food establishment that operates for a period of no more than fourteen (14) consecutive days (or for such other time as is authorized by the City Council) in conjunction with a single event or celebration, and written consent to operate is obtained from the private or public property owner on which said temporary food establishment will operate. Temporary food establishments may include food vendor pushcarts, concession stands, and mobile gourmet food trucks."

Section 228.33(b) is amended to read as follows:

"(b) The required certified food protection manager or managers of a food establishment will be required to register with the City of Farmers Branch as a food protection manager by providing to the regulatory authority a copy of the original food protection manager's training certificate from an Accredited Program in which the applicant has passed, filling out the required City registration form, and paying the required fee. The Farmers Branch food protection manager's certificate shall then be posted in a location in the establishment that is conspicuous to consumers."

Section 228.39 (b) is amended to read as follows:

"(b) A food employee may not wear fingernail polish, fingernail adornments, or embellishments such as sequins or artificial nails while working with exposed foods even if wearing food handling gloves."

Section 228.65 (a)(2) is amended to read as follows:

"(2) Except when washing fruits and vegetables or as specified under subsection (4)(A) and(B) of this section, food employees may not contact exposed, ready-to-eat food items with their bare hands whether or not they are serving a highly susceptible population and shall use suitable utensils such as deli tissues, spatulas, tongs, single-use gloves, or other dispensing utensils."

Section 228.65 (5) (A) - (G) is deleted.

Section 228.68 (g)(1) is amended to read as follows:

"(1) A take-home food container may not be returned to a food establishment to be refilled with food. All take-home containers for food products must be single service, non-returnable. A take-home container for beverages only may be refilled with a beverage providing all the criteria is met in Section 228.68(3) and (5)."

Section 228.70 (c) (1)-(3) is amended to add subsection (4) to read as follows:

"(4) Food Display. Freshly prepared time/temperature control for safety (TCS) food items for the sole purpose of replenishment shall not be added to and/or mixed in with existing or remaining time/temperature control for safety food items that are displayed on buffets, steam tables, or salad chill units. Any remaining containers or pans of food items on display are to be removed and discarded in their entirety before replacing with freshly prepared food items."

Section 228.70 (a)-(e) is amended to add the following subsections (f) and (g) to read as follows:

"(f) Ice. Ice shall be protected from contamination by consumers. Ice for consumer use shall be dispensed only by employees, unless the ice is in an enclosed self-dispensing ice machine with a chute where contact with the ice cannot occur such as a soda fountain dispensing machine. Employees shall dispense ice using only ice scoops, tongs, or other ice dispensing utensils or through automatic service of ice dispensing equipment. Ice dispensing utensils shall be stored on a clean surface or stored inside a bucket of sanitizer out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. At no time shall any items be stored in the ice storage bin due to potential contamination of the ice. Ice storage bins are required to be drained through an air gap which meets the current plumbing code. Ice storage bin interiors that includes the interior ceiling, sides, ice guard, and chute shall be cleaned and sanitized at least weekly to prevent build-up of mold and slime.

- (g) Hot Dog Grills. Food establishments such as convenience stores that sell mainly pre-packaged food items, but do grill hot dogs using a portable commercial hot dog grill are required to place the grill at the service counter within reach of the clerk so the clerk can dispense hot dogs to the consumer. Self-service of hot dogs by the consumer is prohibited."

Section 228.75 (i) (3)-(4) is deleted.

Section 228.81 (1)-(4) is amended by adding subsection (5) to read as follows:

- "(5) Whenever the regulatory authority observes or discovers any food or drink displayed for sampling or sale that is unwholesome or unsafe for human consumption the regulatory authority shall order that food or drink destroyed or removed. The owner or responsible person in charge shall immediately remove or destroy such unwholesome or unsafe food items at his or her own expense. Destruction may include placing the unwholesome or unsafe food item or items in a proper outside covered waste receptacle and pouring liquid bleach on the food item to render food inedible."

Section 228.150(d) is amended to read as follows:

- "(d) Grease traps shall be required for all heavy and some light food preparation establishments with equipment such as griddles, deep fat fryers, and grills in which grease is generated. Grease traps shall be sized and installed according to the most recent edition of the International Plumbing Code as adopted by the City of Farmers Branch. Grease traps shall be located to be easily accessible for cleaning, and shall be located outside of the building to prevent odor and potential contamination of the food service facility. All food establishments requiring a grease trap shall enter into a contract with a waste hauler licensed by the state regulatory having authority over waste haulers, to provide for regularly scheduled service. All grease traps must be serviced effectively and frequently enough to maintain these traps in satisfactory working order and to protect the City sanitary sewer system from stoppage or from excessive contaminants. Service records of such grease traps shall be maintained on the premises and made available to the regulatory authority upon request for inspection."

Section 228.173 (a) is amended to read as follows:

- "(a) Cleanability. The floors, floor coverings, walls, wall coverings and ceilings especially in the food preparation, dishwashing, bar and service areas shall be designed and constructed so they are smooth, non-absorbent, and easily cleanable, except that anti-slip floorcoverings or applications may be used for safety reasons. Floors shall be free of cracks, chips holes, and deterioration. The regulatory authority shall require repair of any floor which fails to meet the requirements of this section. Food establishments involved in heavy or light food preparation shall incorporate quarry tile, cement-based terrazzo tile, or sealed concrete or equivalent

floor covering as approved by the regulatory authority. Coated, sealed concrete must be durable with the coating or sealant remaining intact and not subject to peeling or wearing away in order to prevent the concrete from absorbing liquids and food spills and must be approved by the regulatory authority.

- (1) Toilets. Toilet room floors must meet the conditions set forth above.
- (2) Walk-in coolers. Food establishments shall install in the cooler either stainless steel, sealed concrete, quarry tile flooring or an equivalent material as approved by the regulatory authority.
- (3) Dry storage areas. All food establishments with dry storage must meet the conditions set forth above in section (a). "

Section 228.173 (f) (1)-(3) is amended to read as follows:

- "(1) Food preparation areas. Food establishments involved in heavy and light food preparation shall install wall surfaces of FRP, ceramic tile, certain types of bricks sealed with light-colored epoxy paint or equivalent materials as approved by the regulatory authority in all food preparation, dishwashing and utensil washing areas, and service areas. Wall surface must extent 8 feet in height or to the ceiling if the ceiling height is less than 8 feet. Stainless steel shall be required in heavy food preparation areas behind the stove or range, grills, and fryers from floor to ceiling. The regulatory authority shall require durable and cleanable walls surfaces in areas exposed to excessive splash back of debris in establishments not involved in food preparation. Walls shall be smooth, durable, nonabsorbent and shall be maintained in a condition that facilitates thorough and rapid cleaning and shall be free of cracks, chips, holes and deterioration. The regulatory authority shall require repair or replacement of any wall which fails to meet the requirements of this section.
  - (A) Surface mounted pipes shall not be installed tightly against the surface of the walls. There shall be a gap of at least 2 inches between the pipe and the finished surface of the wall.
  - (B) All holes cut into walls and ceilings for pipes and conduits shall be sealed, and the clearance between the floor surface and the bottom edge of a door shall be tight fitting.
  - (C) In addition, doors and walls on all sally ports or back bay exterior areas off the food preparation area shall be free of gaps, holes, or openings, and doors shall be flush against the floor to exclude access by insects or rodents. Weather stripping may be used to seal any openings between the doors and the floor.
- (2) Toilet rooms. Food establishments involved in heavy and light food preparation where the employee restroom is located in close proximity or off the food preparation area shall install FRP, ceramic tile, certain types of brick sealed with light-colored, enamel or epoxy paint, or equivalent materials as approved by the regulatory authority. Wall surfaces must extend 4 feet in height with the remainder consisting of any light-colored, smooth, washable material. Wall surfaces in any restrooms of establishments that are not involved in any food preparation shall be of any smooth, light colored, washable material as approved by the regulatory authority. Public access shall not be allowed through the food service preparation



to the rest rooms; in such cases where the rest rooms are located off the food preparation area and are accessible to employees only signage shall be posted in a conspicuous location informing customers "Restrooms are available for employees only". Solid self-closing doors are required on all food establishment rest rooms. A covered waste receptacle is required in the women's rest room and in the men's rest room if a diaper changing area is available. A sign must be posted in all public and employees rest rooms stating "Employees must wash hands before returning to work".

- (3) Walk-in coolers. Wall surfaces shall be smooth, easily cleanable and capable of withstanding effects of low temperature and moisture without deteriorating. Shelving racks shall be stainless steel, epoxy-coated, corrosion-resistant metal, durable, cleanable, hard acrylic plastic, or equivalent as approved by the regulatory authority.
- (4) Dry food storage area. Shelving shall be light-colored, epoxy or enamel sealed painted wood if the storage area is not subjected to moisture, or durable, cleanable, hard acrylic plastic shelving. If paint or sealant is used on wooden shelving where food or single service containers are stored the paint or sealant must be food grade approved and be free from flaking, chipping, or peeling. Bare wood or particle board racks or shelving is not allowed for the storage of food items especially for foods that could spill or leak into the wood.
- (5) Ceilings. Ceilings shall be of light color, smooth, relatively non-absorbent, durable and easily cleanable. Ceiling materials may be washable drop-in panels, vinyl coated gypsum panels, taped and bedded sheetrock with light-colored epoxy or enamel paint, or an equivalent material as approved by the regulatory authority. The regulatory authority shall require repair or replacement of any ceiling which fails to meet the requirements of this section.
- (6) Food preparation, bar, and service areas. Food contact surfaces shall be stainless steel with the exception of certain polymer cutting boards. Customer service counters, food packaging areas, take-out material windows and similar areas shall be surfaced with a material that is smooth, non-absorbent, durable, and easily cleanable as approved by the regulatory authority. Soft drink syrup canisters or bags shall be situated on six-inch high corrosion-resistant racks or within corrosion-resistant pans with one-inch curbs. Cabinets, tables, or similar equipment shall not be made of wood, particle board, or covered in Formica if subject to moisture. Curtains used for privacy or to segregate bars, or food serving areas such as dining rooms cannot be made of absorbable non-cleanable woven fabric in order to prevent the accumulation of food debris on the material.
- (7) Foodservice equipment. All foodservice equipment shall be commercial grade, approved by the National Sanitation Foundation (NSF) for its intended use and shall be maintained in a condition that facilitates thorough and rapid cleaning. Residential food service equipment is not allowed in commercial food preparation areas. The regulatory authority shall require repair or replacement of any equipment which fails to meet the requirements of this section."

Section 228.175 is amended by adding subsections (g) and (h) to read as follows:

- "(g) Handwashing Sink Devices. No devices such as an eye wash apparatus or a hand operated spigot mounted from the faucet in order to activate the water will be attached to the handwashing sink. Hand sinks must be operated in accordance with the requirements under §228.146 (1), (2), (3), and (4). Foot operated pedals for hand sinks will be allowed providing all the requirements under the above entitled section §228.146 (1), (2), (3), and (4) are met. An eye wash station if required, may be mounted separately and independently from the hand wash sink and all plumbing fixtures connected to the hand sink.
- (h) Handwashing Sinks Prohibited Storage. No items shall be stored in the handwashing sink basin or on the ledge of the hand sink to prevent potential contamination of the sink. In addition, the sink is to be kept free from dirt, mold, and slime build-up."

Section 228.221 (a)-(k) is amended by replacing (a)-(k) with a new subsection (a) (1)-(4) titled "Special requirements for catering vehicles (cold trucks)" and a new subsection (b) (1)-(12) titled "Special Requirements for mobile food preparation vehicles (hot trucks)" to read as follows:

- "(a) Special requirements for non-food preparation catering vehicles (cold trucks)
- (1) Packages containing time/temperature control for safety (TCS) foods shall be sealed, properly labeled and dated with the date of preparation of the food. All potentially hazardous food shall be disposed of at the end of each day of operation.
  - (2) If food is purchased from a licensed restaurant for resale from the mobile food catering vehicle, the restaurant must be licensed with the Texas Department of State Health Services Food Manufacturing Division as a food manufacturer. The mobile food vendor must maintain a copy of the restaurant's food manufacturer license on file in the mobile food preparation vehicle in order to be authorized to sell food prepared from the restaurant
  - (3) Beverages not provided in individual containers shall be dispensed from stainless steel covered urns or similar type equipment from the mobile food preparation vehicle. Beverages shall be added to the urns only at a commissary or other approved establishment.
  - (4) A schedule of at least two (2) stops where food will be sold from the mobile catering vehicle, including locations and exact times for each stop in the City of Farmers Branch, shall be submitted at the time of application for a mobile catering vehicle permit. Any changes in the schedule must be reported to the regulatory authority not later than three (3) days prior to such change becoming effective. Failure to maintain a current schedule of stops within the City may result in suspension of the permit to operate within the City.
- (b) Special Requirements for mobile food preparation catering vehicles (hot trucks)
- (1) Base of operations. Mobile food preparation vehicles shall be parked at the base central preparation facility/commissary when not in actual operation.

- (2) Food Protection Manager. A current certified food protection manager who has registered with the City is required to be onboard a mobile hot truck during the time the truck is in service. The Farmers Branch food protection manager's certificate is to be kept onboard and be made available to the regulatory authority upon request.
- (3) Construction. All surfaces located in the food preparation area of the mobile food preparation vehicle shall be constructed of stainless steel or equivalent material. Construction joints and seams shall be sealed. The juncture between the floor and walls shall be sealed or have adequate space to clean. Space around pipes, conduits, or hoses that enter through cabinets, floors or outer walls shall be sealed. There shall be an unobstructed height over the aisle-way portion of the unit of at least seventy-six inches (76") from floor to ceiling, and a minimum of thirty-six inches (36") of unobstructed horizontal aisle space.
- (4) Equipment. A three-compartment sink and hand washing sink shall be provided. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, but shall in any case be not less than twelve inches (12.0") long, twelve inches (12.0") wide, and ten inches (10.0") deep. Drain boards shall be not less than twelve inches (12.0") long by twelve inches (12.0") wide. Equipment for cooling and heating food, as well as for holding hot and cold food, shall be sufficient in number and capacity to provide food temperatures as specified under Subchapter C of this code. No re-usable dishware can be provided to customers, only single services articles.
- (5) Service Openings. Service openings shall not exceed 216 square inches each. Service openings may be no closer than eighteen inches (18.0") apart. Service openings shall be constructed with screen doors which shall remain closed except when serving food to customers through the opening. Screens of not less than 16 mesh per inch shall be used. All food service operations shall be conducted inside the preparation area of the mobile food preparation vehicle.
- (6) Power Supply. Whenever the mobile food preparation vehicle is in service, adequate electrical power shall be provided to operate the approved exhaust, lighting and refrigeration systems, and any other accessories and appliances that may be installed on a mobile food preparation vehicle.
- (7) Water Supply, Plumbing. All equipment used on the mobile food preparation vehicle for a potable water supply system shall be listed for such use by an organization acceptable to the regulatory authority. A water supply tank of sufficient capacity (but in no case less than thirty (30) gallons) to furnish an adequate quantity of potable water for food preparation, cleaning, and hand washing purposes must be provided. A water inlet tank shall be 19.1 mm (3/4inch) in inner diameter or less. Hose-connection valves must be of a size or type that will prevent its use for any other service and shall be not less than five feet (5.0') above the ground and be covered at all times with a protective, screw-type cap which is attached to the mobile food preparation vehicle. The water system shall deliver not less than one (1.0)

gallon per minute to each sink basin in the mobile food preparation vehicle. The fill hose and water holding tank shall be labeled as "Potable Water". A water heater with a minimum capacity of ten (10) gallons, or an instantaneous heater capable of producing water of 120 degrees Fahrenheit interconnected with the potable water supply, shall be provided and shall heat the water independently of the vehicle engine.

- (8) **Liquid Waste.** A liquid waste tank having a capacity at least fifty percent (50%) greater than the fresh water tank shall be provided and labeled as "waste water". The tank shall be sized to receive and be adequate to hold melting ice water resulting from one day's operation. All waste lines shall be connected to the waste tank with watertight seals and all connections on the vehicle for servicing the mobile truck waste facilities shall be of a different size or type than those used for supplying potable water. The water supply tank shall be filled and the waste storage tanks shall be emptied only at the commissary or other facility approved by the regulatory authority. Wastewater from the toilet shall be held separate from other wastewater on the mobile food preparation vehicle.
- (9) **Safety.** An approved automatic fire extinguishing system shall be provided over cooking surfaces that require mechanical exhaust ventilation. A fire suppression system and fire extinguisher is required for all mechanical vent hood systems with grilling and deep fat frying operations and is to be inspected annually as mandated by the Farmers Branch Fire Marshall. Covers for deep fat fryers shall be provided and installed over fryer units while the mobile food preparation vehicle is in motion. Seats designated for the cook and each passenger shall be provided on each mobile food preparation vehicle and shall be located outside of the food preparation area. A physical separation shall be provided between the food preparation area and the cab area of the mobile food preparation vehicle. No food preparation shall be allowed while the mobile food preparation vehicle is in motion. Violation of any provision in paragraph (8) shall be grounds for the immediate suspension of the mobile food permit by the regulatory authority for a period not to exceed ninety (90) days.
- (10) **Restroom.** Each vehicle shall be provided with an employee restroom that is physically separated from the food preparation area. The restroom shall be supplied with an operational hand sink with hot and cold water and soap and paper towels.
- (11) **Schedule.** A complete schedule of stops including locations and exact times for each stop within the City shall be submitted at the time of application for a mobile food preparation vehicle permit. Any changes in the schedule shall be reported to the regulatory authority not later than three (3) days prior to such change becoming effective. Failure to maintain a current schedule of all stops may result in suspension of the permit to operate within the City.
- (12) **Special Rules for Mobile Food Establishment and Catering Vehicles.** Every permit granted for operation of a mobile food establishment or catering

vehicle shall be conditional upon compliance by the recipient of such permit with the following:

- (A) The operator of a mobile food establishment shall not conduct business on any property unless permission for conducting such business has first been granted in writing by the owner of the property or an authorized agent for the owner and a copy of such written permission is maintained in the vehicle.
- (B) A mobile food establishment shall not stop on unimproved property or the City right of way for the purpose of selling and/or serving food or other products or goods.
- (C) Sale of products and services from a mobile food establishment shall be limited to persons employed by the business or businesses operating on the property on which the vehicle has legally stopped, and all sales to drive-up customers shall be prohibited.
- (D) Each stop made by a mobile food establishment for the purpose of sales or service of goods shall be limited to a maximum duration of thirty (30) minutes, and the total cumulative time during which a vehicle may provide sales or service shall not exceed two (2) hours at any single location within any twenty-four (24) hour period."

Section 228.244 (a) (1)-(6) is amended by replacing (a) (1)-(6) to read as follows:

"(a) Review of plans.

- (1) Whenever a food establishment is constructed or extensively remodeled or whenever an existing structure is converted to use as a food establishment, or the nature of the operation changes, or the menu is changed to include more or different items properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review before work begins. Such plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical and plumbing schematic, construction materials of work areas, and the type and model of proposed fixed equipment types including dimensions and installation specifications. The plans and specifications shall be approved by the regulatory authority if they meet the requirements of the rules adopted by this ordinance. The approved plans and specifications must be followed in construction, remodeling, or conversion.
- (2) A Farmers Branch Food Establishment Plan Review document will be filled out and reviewed by the regulatory authority for each new food establishment facility or each extensively remodeled facility and shall include the following:
  - (A) Intended menu items
  - (B) Anticipated volume of food to be stored, prepared, and sold or served
  - (C) List of equipment and usage
- (3) Any food establishment which closes for business for a period of 30 days or more, and was grandfathered under a previously existing food code

requirement that has since been repealed must be brought into compliance under the current Texas Food Establishment Rules as adopted by the City of Farmers Branch with regard to overall facilities, structure, and equipment before reopening as a food establishment and shall be approved by the regulatory authority.

- (4) Failure to construct or remodel the food establishment in accordance with the approved plans and specifications shall result in a denial, suspension or revocation of a food establishment permit.
- (5) Whenever plans and specifications are required by this section to be submitted to the regulatory authority, the regulatory authority shall inspect the food establishment prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of the current Food Establishment Rules as adopted by the City of Farmers Branch.
- (6) For purposes of this subsection, "extensive remodeling" means that 20% or greater of the area of the food establishment is to be remodeled."

Section 228.247 is amended to read as follows:

- "(a) Permit Required. A person shall not operate a food establishment without a valid permit to operate issued by the regulatory authority.
- (b) Permit Application. Any person desiring to operate a permanent, temporary, seasonal or vehicle mounted food establishment within the City shall make written application for a permit on forms provided by the regulatory authority. The application shall include such information as the regulatory authority determines is necessary for the enforcement of the current Food Establishment Rules.
- (c) Permit Fees. The various requirements for permits and such administrative functions of this division shall require the payment of fees to the City in an amount that is set by the Health Department and approved by resolution of the City Council. Fees are not refundable. (See Appendix A).
- (d) Multiple Locations. If an applicant operates at multiple locations, a separate permit application and the payment of a separate fee will be required at each location.
- (e) Shared/Multi Use Kitchens. A single operating permit shall be issued to one food establishment owner or food production company in a fixed commercial location and allows for food production by that applicant only. The operating permit cannot be used for the purposes of shared/multi use kitchens within that building, or for the purpose of subletting space in that building to other food production establishments or companies.
- (f) The food establishment operating permit shall be posted in a conspicuous location to consumers.
- (g) Additional responsibilities of the permit holder:
  - (1) If required to operate under a HACCP plan, the permit holder is to comply with the written plan as specified in §228.244 (c) of this title which includes the information specified in §228.244 (b) of this title as is relevant to the variance requested.

- (2) Immediately contact the regulatory authority to report an illness of food employee as specified under §228.35 (2) of this title relating to management and personnel.
  - (3) Immediately discontinue operations and notify the regulatory authority if an imminent health hazard exists because of an emergency such as fire, flood, extended interruption of electrical or water service, back-up issue, misuse of a poisonous or toxic material, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.
  - (4) Allow the regulatory authority access to the food establishment under §228.250 (b) of this title.
  - (5) Replace existing facilities and equipment specified in 228.241 of this title with facilities and equipment that comply with these rules if the regulatory authority directs replacement because facilities and equipment constitute a health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted, or the facilities and equipment are replaced in the normal course of operation, or the regulatory authority directs the replacement of equipment and facilities because of change of ownership.
  - (6) Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the permit holder's food establishment or in response to community emergencies.
  - (7) Accept notices issued and served by the regulatory authority according to law.
  - (8) Be subject to administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with these rules or a directive of the regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.
  - (9) Notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the regulatory authority.
  - (10) Have on the premises the most recent copy of the Texas Food Establishment Rules (TFER) and City Food Code Ordinance at all times, be familiar with, and adhere to all required food code rules and regulations.
- (h) Exemptions.
- (1) Public schools accredited with the State of Texas shall be exempt from the payment of permit fees requirement to operate food establishments.
  - (2) Church kitchens where food is prepared and served to members only and child care centers licensed by the State of Texas shall be exempt from the permit requirements to operate food establishments.
  - (3) Permit Term. Permits for food establishments, excluding temporary and seasonal snow cone type food establishments, shall be valid for one year from the date issued by the City unless suspended or revoked. Permits must be renewed on an annual basis by filing a permit renewal application and payment of the required fee with the regulatory authority.

- (4) Temporary Food Establishment Permit Term. Permits for temporary food establishments shall be valid for no more than fourteen (14) consecutive days, except when the City Council authorizes the establishment to operate for a different period of time, in which case the permit shall be valid for the time authorized by the City Council. Permits for temporary food service establishments that are NOT operating in conjunction with a City of Farmers Branch sponsored special event or community based event shall be limited to six (6) permits a year. There is no fee charged for a temporary food establishment permit.
- (5) Term for Seasonal Snow Cone Type Food Establishment. Permits for seasonal snow cone type food establishments shall be valid for the lesser of the time approved by the City Council in a Specific Use Permit - Interim Use; or Six (6) to twelve (12) months from the date issued.
- (6) Mobile Food Preparation Vehicle Permits. Upon issuance of a permit for operation of a Mobile Food Catering Vehicle, the regulatory authority shall affix to the vehicle a sticker bearing the expiration date of the permit. This sticker shall be prominently displayed at all times. The permit shall be renewed annually from the date in which it is issued.
- (7) Ice Cream Push Carts Prohibited. Ice cream push carts are prohibited from operating within the City. The regulatory authority is hereby authorized to impound ice cream push carts operating within the City. The food contained within the ice cream push cart, if not immediately removed by the vendor, and if from an approved source and in sound condition, may be stored at a City facility for a maximum time of seventy-two (72) hours, after which time the food shall be destroyed. A \$50.00 transport and storage fee shall be paid to the City by vendors who reclaim food from a City facility within the allotted time period.
  - (i) Exemptions from Catering Permits. Food establishments that currently operate a permanent food establishment within the City and possesses a valid food permit issued by the regulatory authority may, at the discretion of the regulatory authority, be exempted from the requirement to obtain a food permit for catering operations at other locations within the city.
- G) Issuance of Permit. The regulatory authority shall issue a permit to the applicant after inspection reveals that the proposed food service establishment complies with the requirements of the Texas Food Establishment Rules.
- (k) Permit Suspension for Imminent Hazard to Public Health. The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required in this subsection of this ordinance. When a permit is suspended, food operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a request for a hearing.
- (l) Permit Revocation. The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the regulatory authority in the



performance of their duties. Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten (10) day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

- (m) Notice. A notice as required in these Food Establishment Rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority. The hearings provided for in these Food Establishment Rules shall be conducted by the regulatory authority at a time and place designated by the regulatory authority. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority."

SECTION 2. Chapter 26, Article V, Section 26-154 of the Code of Ordinances be amended in part to amend the regulations governing fees to read as follows:

"Sec. 26-154. - Fees

- (a) A fee as listed in the Farmers Branch Code of Ordinances, Appendix A of this Code shall be paid by each applicant for review of food service establishments.
- (b) A permit fee shall not be required from any applicant to operate a temporary food service establishment or a food stand at the Farmers Market.
- (c) A permit fee shall be paid by each applicant to operate a mobile catering food establishment, which includes hot and cold catering vehicles. The fee shall be determined by the type of vehicle operated as listed in The Farmers Branch Code of Ordinances, Appendix A
- (d) A permit fee shall be paid by each applicant to operate a brick and mortar fixed food service establishment. The fee shall be determined by the number of employees employed at the establishment listed in The Farmers Branch Code of Ordinances, Appendix A.
- (e) A fee as listed in the Farmers Branch Code of Ordinances, Appendix A of this Code shall be paid by each applicant for issuance of any duplicate permit.
- (f) A fee shall be paid by each applicant to register as a food protection manager as listed in the Farmers Branch Code of ordinances, Appendix A.
- (g) A transport and storage fee of \$50.00 shall be paid to the City by push cart ice cream vendors who reclaim their confiscated product from a City facility within the maximum holding time period of up to seventy-two (72) hours."

SECTION 3. Chapter 26, Article V, of the Code of Ordinances be amended to add section 26-155 to provide regulations for season snow cone mobile food establishments to read as follows:

"Sec. 26-155 - Seasonal Snow Cone Mobile Food Establishments.

(1) Operation. A seasonal permit may be obtained for food establishments at which only snow cone related foods shall be prepared or offered for sale. The preparation or sale of any time/temperature control for safety (TCS) foods at such establishments is prohibited.

(2) Ice. Ice to be used for snow cones shall be obtained in chipped, crushed, cubed or block form and in single-use safe plastic bags filled and sealed at the point of manufacture. Snow cone ice shall be held in its sealed bags until the ice is dispensed in a way that protects the ice from contamination.

(3) Equipment. A three-compartment sink and hand washing sink shall be provided. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, but shall in any case be not less than twelve inches (12.0") long, twelve inches (12.0") wide, and ten inches (10.0") deep. Drain boards shall be not less than twelve inches (12.0") long by twelve inches (12.0") wide.

(4) Service Openings. Service openings for a snow cone establishment shall be constructed with screen doors which shall remain closed except when serving customers through the opening. Screens of not less than 16 mesh per inch shall be used.

(5) Water Supply, Plumbing. All equipment used for a potable water supply system shall be listed for such use by an organization acceptable to the regulatory authority and shall be installed and operated according to law. All potable water not provided directly by pipe to the establishment from an approved source shall:

(A) Be transported in a bulk water transport system or individual containers and delivered by direct connection to a closed-water system, or be delivered to a closed-water system by direct hose attachment from an approved water source.

(B) All potable water containers or hoses shall be used only for water supply purposes.

(C) A closed-water system of sufficient capacity to furnish an adequate quantity of potable water for cleaning and handwashing purposes, but in no case less than fifteen (15) gallon capacity tank, shall be provided and labeled "Potable water". An instantaneous water heater system capable of producing water with a temperature of 120 degrees Fahrenheit interconnected with the potable water supply shall be provided.

(D) The water system shall be capable of delivering a water supply under pressure of at least fifteen (15) pounds per square inch (psi) at all times. If such water pressure cannot be provided by gravity flow, then a tank and a pump or other means, which will provide said fifteen (15) psi shall be installed.

(E) Liquid Waste. If the snow cone type establishment is not connected to a public sanitary sewer system, all liquid waste from the operation shall be held in an approved permanently installed liquid waste retention tank which shall be labeled "waste water". The liquid waste tank shall have a capacity at least fifty percent (50%) greater than the potable water tank. All waste lines shall be properly installed and connected to the liquid waste tank with watertight seals. The liquid waste discharge pipe from the holding tank shall not be located inside the building. There shall be separate size fittings required between water supply and liquid waste connections. All liquid waste from the holding tank shall be transported and disposed of in an approved manner.

(F) Employee Restrooms. Snow cone type establishments shall have adequate, conveniently located, and accessible toilet and lavatory facilities for use by its employees at all times. If such facilities are not located within the establishment, they must be located within a 400-

foot radius of the establishment to be considered convenient use. If restrooms are located off-site, a notarized letter must be submitted with the permit application giving written permission for the food establishment's personnel to use such restroom facilities and acknowledging that the restrooms will be available for use at all times during the food establishment's business hours.

(G) Garbage: An easily cleanable, covered trash container shall be provided on the outside of the building if outside seating is provided."

SECTION 4. Chapter 26, Article V, of the Code of Ordinances be amended to add section 26-156 to provide regulations for summer food service programs to read as follows:

"Sec.26-156-Summer Food Service Programs.

(a) Any qualified charitable or governmental organization wishing to conduct a summer food service program in the City shall prepare and serve food from a commercial permanent kitchen in a non-residential facility authorized by a food establishment permit. The regulatory authority may authorize a permit for a kitchen in the City that provides, at a minimum, mechanical refrigeration, hot and cold running water under pressure for hand sinks, a three compartment sink equipped with dual drain boards, a mop sink onsite, restroom facilities, and approved finish materials in food preparation and service areas.

(b) Notification. The Farmers Branch regulatory must be notified in writing prior to operations as is required by the Texas Department of Agriculture and United States Department of Agriculture (TDA/USDA). This notice shall include the name and address of the food establishment preparing the food, the name of the person in charge, the site and address where the food is to be distributed, the dates and times of the operation, and a list of the food and beverages to be served. A current Food Protection Manager must be in place during the time the food items are being prepared. If the food establishment preparing the food is not located in Farmers Branch, then a copy of that facility's current health permit as well as a copy of the most current health inspection report conducted by the City, or County the facility is located in must be furnished to the regulatory authority upon giving notice they will be participating in the Summer Feeding program.

(c) Food. All food items used in the Summer Food Service Program must come from an approved source. All foods must be packaged in individual containers at the permitted food preparation facility. Bare-handed food contact is not allowed. All foods requiring time/temperature control for safety must be maintained at the proper temperatures of 41 degrees F. or below or 135 degrees F. or above. The use of warmers, mechanical refrigeration, or cold packs are permitted to keep foods at the required temperatures. A stem thermometer shall be used and kept onsite to ensure received food items meet the required temperatures. Additionally, a temperature log must be maintained onsite for recording these temperatures.

(d) Facilities. All food must be served in an acceptable eat-in facility such as a club house, lunch room, or cafeteria with access to handwashing rest room facilities unless otherwise approved by the regulatory authority."

SECTION 5. Chapter 26, Article V, of the Code of Ordinances be amended to add section 26-157 to provide regulations governing farmers markets to read as follows:

**"Sec.26-157 -Farmers Market.**

- (a) **Farmers Markets. Permits.** A health permit must be filled out by each food vendor and be approved by the regulatory authority. Permits are not transferable. The permit must be visibly displayed at each booth. Failure to comply with these requirements may result in the revocation of the permit/and or municipal court citations.
- (b) **Foods.** All foods sold at the Farmers Branch farmer's market must fall under one of the following categories:
- (1) Produce which must be sold in a whole state
  - (2) Manufactured foods with a license from the Department of State Health Services (DSHS)
  - (3) Commercially produced pre-packaged items from a licensed facility or commissary
    - (A) **Commercially Pre-Packaged Foods.** Only commercially prepared pre-packaged goods prepared in a certified commercial kitchen and labeled according to the manufactured food requirements of the Texas Department State of Health Services (DSHS) will be allowed.
    - (B) Labels must include the manufacturer, common name of the food item, ingredients if more than one, the name of the food source for each major food allergen contained in the food, unless the food source is already part of the common name of the respective ingredient and approximate net weight. In addition, a nutrition label must also be included on the packaging.
    - (C) Absolutely no unlabeled foods, or foods from any source other than the documented commissary may be sold to the public.
    - (D) All food must be sold retail only. Without proper wholesale licenses, sales to restaurants are prohibited.
- (c) **Cottage Food Producers.** Cottage food producers can only sell the following:
- (1) Baked goods, breads, sweet baked goods, cakes such as birthday or wedding cakes without time/temperature control for safety food ingredients or icings, rolls, muffins, coated and uncoated candy, a canned jam or jelly, a fruit pie, dehydrated fruits or vegetables, including dried beans, popcorn, and popcorn snacks, cereal, including granola mix, vinegar, pickles made from cucumbers only, mustard, roasted coffee, or dried tea, or a dried herb mix.
  - (2) All cottage food produced items must be labeled legibly with the following:
    - (A) The name and address of the cottage food production operation
    - (B) The common or usual name of the product especially if the food is made with a major food allergen such as nuts, eggs, soy, milk, or wheat
    - (C) A statement that says: "This food is made in a home kitchen and is not inspected by the Department of State Health Services (DSHS) or a local health department.
- (d) **Manufactured Products.** All vendors selling time/temperature control for safety (TCS) food items such as meat, eggs, or milk will be required to have mechanical refrigeration to keep the product at the required cold holding temperatures. All meat will be frozen at 0 degrees F., whole shell eggs at 45 degrees F. or below and milk at 41 degrees F. or below.
- (1) **Egg products.** An egg producer that sells only ungraded eggs from their own flock may be exempt from licensing from the Texas Department of Agriculture, but must be

permitted by the Department of State Health Services (DSHS) or the local regulatory authority.

(A) The eggs must be stored under mechanical refrigeration at 45 degrees F. or less, and meet specific labeling requirements. (Safe Food Handling Instructions; Name and Address of distributor or packer)

(B) Eggs from fowl other than chickens such as quail and ducks are not graded in Texas and cannot be sold.

(2) Meat products. Only frozen packaged meat will be allowed. All meat must come from an approved source United States Department of Agriculture (USDA) stamp or Department of State Health Services (DSHS) – Meat and Safety Assurance.

(A) All meat items must be stored and displayed in a mechanical freezer approved by the City of Farmers Branch Environmental Health Department.

(B) All labeling requirements must comply with USDA and DSHS rules and regulations.

(C) The processing plant must be USDA inspected unless it has a small producer exemption. A small producer must provide proof of exemption and meet labeling requirements. The producer shall provide either a grant of inspection or exemption.

(D) The meat storage facility must provide proof that it is a licensed facility under the Department of State Health Services (DSHS).

(1) If the meat is stored in a facility other than the processing plant, a copy of the latest health inspection must be provided to the local regulatory authority.

(E) The following must be provided to the City of Farmer Farmer's Market:

(1) Completed Farmers Branch permit application

(2) Equipment inspection

(3) Processing license (or proof of exemption)

(4) Storage license

(5) Copy of product labels

(3) Milk products. Fluid milk and milk products complying with Grade A will be obtained pasteurized. Raw unpasteurized milk will not be allowed.

(e) Sampling. Sampling may be allowed if the following requirements are met:

(1) All food items are covered and protected from contamination, access by insects, and served in a sanitary manner by the use of utensils. All samples must be served in single service sample cups with single service utensils if needed.

(2) All food items must be stored at least 6 inches up off the ground.

(3) All food items must be able to be served without cooking. Cooking of a raw food product will not be allowed. Examples of approved samples would be candy, granola, salsas on commercially bagged chips or bagel bits, baked goods, cookies, muffins, and jellies on bread, dehydrated fruit or vegetables, coated and uncoated nuts, brewed coffees, and teas.

(4) Commercially prepared products such as corn dogs, hot dogs, and tamales may be given as samples if the items are fully cooked and only need to be re-heated. Proper re-heating equipment such as grills will have to be provided.

(5) All sellers handing out samples would be required to wear proper hair restraints, properly wash hands, and to wear food handler gloves.

- (6) Sellers must refrain from chewing gum, eating, or drinking from open spill-able beverage containers while giving out samples.
- (7) All cutting surfaces must be smooth, easily cleaned and non-absorbent. Re-useable utensils should be sanitized in a household unscented bleach solution at 50 parts per million (ppm), or quaternary ammonium (QUAT) at 200 ppm. Sanitizer test strips must be provided for the sanitizer being used.
- (8) All solid and liquid waste must be properly disposed of as needed. All food waste should be disposed of in trash receptacles with tight fitting lids and liquid waste into an approved sewer or holding tank.
- (9) A hand sink with hot and cold water, paper towels, and soap will be available onsite, but it is recommended that all vendors handing out samples also have one durable container with a spigot containing free flowing potable water, hand washing soap, paper towels, and a collection container for waste water. Note: Hand sanitizers do not take the place of hand washing, but may be used in conjunction with proper hand washing, and if only handing out prepackaged food items.
- (10) Small children and toddlers are not allowed inside the sampling booths.
- (11) Animals must be kept on leashes and away from the food sampling stands unless the samples are pet foods or pet treats. The exception to this is a service dog."

**SECTION 6.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 8.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

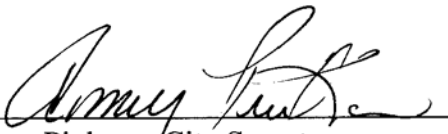
**SECTION 9.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 13th DAY OF DECEMBER, 2016.**

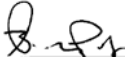
**ATTEST:**

**APPROVED:**

  
Amy Piukana, City Secretary

Bob 

**APPROVED AS TO FORM:**



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Peter G. Smith, City Attorney  
(PGS:12-I-16:TM 81496)