MH/vv
08/07/14
Item #20

AN ORDINANCE 2014-08-07-0539

AMENDING CHAPTER 13, "FOOD AND FOOD HANDLERS" OF THE CITY CODE OF THE CITY OF SAN ANTONIO, TEXAS, PERTAINING TO THE REGULATION OF MOBILE FOOD ESTABLISHMENTS; AMENDING FEES; AND PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, mobile food establishments (MFE's) have been increasing in numbers and complexity for the past four years in San Antonio; and

WHEREAS, the most recent changes to Chapter 13, Article IV established regulations for mobile food courts and allowed MFE's to operate at temporary events without having to purchase an additional permit by exempting MFE's from certain operating restrictions; and

WHEREAS, as MFE's change their operational methods and prepare more complex food items to meet consumer demands, the San Antonio Metropolitan Health District (SAMHD) must develop smarter more streamlined methods to effectively regulate the mobile food establishment industry; and

WHEREAS, the SAMHD has met on a number of occasions with stakeholders such as the San Antonio Food Truck Association, San Antonio Restaurant Association, and San Antonio Hotel and Lodging Association and also sent out a letter outlining the proposed changes in English and Spanish to all known MFE owners in SAMHD's database; and

WHEREAS, changes are now being recommended to help modernize and streamline the regulation of MFE's; **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:

Chapter 13, Article I., In General, Section 13-2, Food establishment rules, is 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, TAC §§ 229.161—229.171, and § 229.173—229.175, effective date March 15, 2006.

(b) The following sections of the Texas Food Establishment Rules are not adopted by this chapter: TAC §§ 229.162(40)(c), 229.162(89), 229.162(94) and 229.166(d)(2).

(c) To the extent that these Code provisions are more strict than the Food Establishment Rules from the Code of Federal Regulations, and the Texas Food Establishment Rules, this Code shall control.

The definitions in Chapter 13, Article I., In General, Section 13-3, Definitions, are amended to include the addition of the following definition as follows:

Servicing area shall mean an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as discharging liquid or solid wastes and refilling water tanks. No food preparation, service or utensil/warewashing is conducted at a servicing area.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-62, Permit requirements, is amended as follows:

Sec. 13-62. Permit requirements.

(a) No person shall operate a mobile food court or mobile food establishment or vend food afoot who does not possess a valid, current mobile food court permit or mobile food establishment permit from the director as provided in this article. The permit for a mobile food establishment shall specify the type of food to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.

(b) A person seeking a mobile food establishment permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)—(13~~10~~) as part of the application:

(1) The name and address of the owner and/or operator;

(2) A government issued identification of the applicant;

(3~~2~~) A description of the owner and/or operator;

(4~~3~~) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;

(5~~4~~) The name under which the food vending operation will be operated;

(6~~5~~) A description of the type of food or the specific foods to be vended; as for example prepackaged or unpackaged nonpotentially hazardous food, ~~peanuts, prepackaged candy, prepackaged food not~~ prepackaged potentially hazardous ~~and nonperishable~~ food, and openly handled potentially hazardous food ~~nonprepackaged food, produce, etc.~~;

(7~~6~~) The manner of mobile food vending operation to be conducted; as for example foot vending, truck, trailer, pushcart, etc.;

(8~~7~~) A description of any vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of any vehicle licensed or registered with the state;

(9~~8~~) A notarized letter on the form issued by the department that contains the ~~The~~ address and food establishment permit number of the commissary required by this article;

(10) Documentation indicating the volume capacity of any required water and wastewater storage tanks either on the tank itself or in writing;

(11) If the permit application is for the sale of approved openly handled potentially hazardous food from a pushcart, a vehicle or a trailer, a water sample test result from a drinking water bacteriology laboratory accredited by the Texas Commission on Environmental Quality showing the absence of coliform and E. coli which was performed within thirty (30) days prior to the date of the permit application;

(12~~9~~) Any other information reasonably required by the director; and

(13~~10~~) If the person seeking a mobile food establishment permit from the director ~~vends~~ will be vending frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas directly to consumers on a public street, sidewalk or right-of-way, or will travel ~~travels~~ with the person's mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the person vends, then the person shall provide as part of the

application to the director a written statement from the city police department certifying that the person seeking a mobile food establishment's permit is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the person seeking a mobile food establishment permit has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounds ~~backgrounding~~ of persons engaged in mobile food vending are specific in Exhibit 1 hereto on file in the office of the city clerk, and hereby adopted and incorporated herein for all purposes by reference.

(c) A person seeking a mobile food court permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)—(5) as part of the application:

(1) The name and address of the owner and/or operator;

(2) A description of the owner and/or operator;

(3) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;

(4) The address and name under which the mobile food court will be operated; and

(5) Any other information reasonably required by the director.

(d) Upon receiving a proper application for a mobile food court permit or mobile food establishment permit, the director shall make appropriate inspections of the location, food, equipment, vehicles and other reasonable inspections concerned with the mobile food court or mobile food vending operation and shall issue a permit and a sticker only if:

(1) The application complies with subsection (b) or (c), and

(2) The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and all city ordinances governing the proposed mobile food court or mobile food establishment operation.

(e) Mobile food court and mobile food establishment fees shall be as follows:

(1) A permit for the sale of pre-packaged or unpackaged, non-potentially hazardous food by peddling from afoot, from a pushcart, from a vehicle, or from a trailer shall be one hundred dollars ($100.00) per year.

(2) A permit for the sale of pre-packaged potentially hazardous food from a pushcart, from a vehicle, or from a trailer shall be two hundred dollars ($200.00) per year.

(3) A permit for the sale of approved openly handled potentially hazardous food from a pushcart, from a vehicle, or from a trailer shall be three hundred dollars ($300.00) per year.

~~(1) The permit for an afoot vendor vending food which is prepackaged, nonperishable, and not potentially hazardous shall be forty-eight dollars ($48.00) per year. A person vending afoot must have a permit for vending afoot even though he or she also may have a permit for vending from a vehicle.~~

~~(2) The permit fee for a mobile food establishment carrying food which is described as snow cones/shaved ice/raspas, as well as food which is prepackaged, nonperishable and not potentially hazardous shall be sixty-six dollars ($66.00) per year.~~

~~(3) The permit fee for a mobile food establishment vending prepackaged perishable and potentially hazardous foods or a combination of the above with prepackaged nonperishable and not potentially hazardous foods shall be one hundred dollars ($100.00) per year.~~

~~(4) The permit fee for a mobile food establishment vending perishable and potentially hazardous foods or nonperishable and not potentially hazardous foods or snow cones/shaved ice/raspas that are prepared on or in the mobile unit or a combination of the above with prepackaged foods shall be two hundred sixty-five dollars ($265.00) per year.~~

~~(5) The permit fee for a pushcart mobile food establishment shall be seventy-two dollars ($72.00) per year.~~

~~(6) The permit fee for a corn roaster mobile food establishment shall be one hundred fifty dollars ($150.00) per year.~~

(4~~7~~) The fee for each written statement from the city police department for persons age seventeen (17) and older as required in subsection 13-62(b)(13)~~(10)~~ shall be the sum of the fees required to obtain the local, state and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(5~~8~~) The director of ~~downtown operations~~ the center city development office, or its successor city department, shall establish a fee for a special permit and associate permit for mobile food establishments in the downtown business district. The permit

fee for vending in the downtown business district and associate fee shall be in addition to any other applicable fees set out in this chapter.

(6~~9~~) The permit fee for the operation of a mobile food court shall be two hundred twenty dollars ($220.00) per year.

(f) All funds collected for permits under the provisions of this article shall be deposited in the general fund of the city.

(g) The valid sticker shall be displayed by a mobile food establishment:

(1) Inside the vehicle, used in connection with the mobile food vending operation, at the top of the windshield on the passenger side of the vehicle;

(2) On an enclosed trailer on the outside of the unit next to the servicing window so that it is not obscured when the serving window is closed for travel; ~~On the trailer fender above the tailgate and license plate of an open, flat bed or enclosed trailer used in connection with the mobile food vending operation;~~

(3) At the top right-hand corner on the front of a pushcart, bicycle or tricycle used in connection with the mobile food vending operation; or

(4) In front of the ~~two-compartment~~ sink of a corn roaster or hot dog cart used in connection with the mobile food vending operation.

(h) Mobile food court permits and mobile food establishment permits shall be valid for only one year from the date of issuance unless sooner suspended or revoked.

(i) Mobile food court and mobile food establishment permits shall not be transferred or assigned and shall be considered suspended ~~revoked~~ should the character of the food vending operation be changed from that specified in the permit.

(j) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application, except that the written statement from the city police department required under subsection 13-62(b)(13)~~(10)~~ shall be renewed every two (2) years from the date of issuance by the city police department of such written statement, with a current written statement to be provided to the director by the permit holder every two (2) years at the time the permit holder is seeking permit renewal.

(k) The director shall make routine, unannounced inspections of mobile food courts, mobile food establishments, ~~and~~ commissaries and servicing areas when applicable, to determine whether or not the vending operation is being conducted in such a

manner as to comply with the conditions of the permit, the provisions of this article, other applicable city ordinances and state and federal statutes, regulations and rules.

(l) Samples of food and other substances used in the preparation of food may be taken or retained until examined by the director for the detection of unwholesome and deleterious qualities. The director may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean or deleterious to health. The owner, operator or other person in charge of such food shall immediately and in the presence of the director, destroy such adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean food as directed by the director.

(m) It is the responsibility of the mobile food establishment permitholder and/or the operator to ensure compliance with this article. Violations of this article shall result in the issuance of a citation and/or the suspension or revocation of the permit.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-63, Operation requirements and restrictions, is amended as follows:

Sec. 13-63. Operation requirements and restrictions.

(a) Mobile food establishments are subject to the following requirements and restrictions unless specifically addressed otherwise:

(1) It shall be unlawful for an afoot food vendor to sell any potentially hazardous food within the city. It shall be unlawful for an afoot food vendor to sell from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required under this chapter.

(2) It shall be unlawful for the operator of a mobile food establishment as defined in subsections 13-62(e)(1)-(3)~~(2) (6)~~ to remove the food from the mobile establishment to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this chapter; except that mobile food establishments may sell produce from no more than three (3) tables that are six (6) feet long and stand at least eighteen (18) inches above the ground, and that are located adjacent to the permitted mobile food establishment.

(3) It shall be unlawful to operate a mobile food establishment on streets where a traffic hazard is created and as listed in exhibit No. 1 of subsection 16-236(b).

(4) Mobile food establishments may operate in parks subject to the requirements set in section 22-2.

(5) Mobile food establishments may stop in a public street, or right-of-way, provided:

a. This area is not in or within fifty (50) feet of an intersection;
b. This area is not an area prohibited to the standing or parking of vehicles;
c. All items are vended from the curbside of the vehicle or the rear of the vehicle;
d. The mobile food establishment is in compliance with the requirement for hazard lamps as set forth in subsection 13-63(a)(14); and
e. The mobile food establishment is vending in a safe manner.

(6) Mobile food establishments may be stopped on private property, properly zoned and with the written notarized permission of the property owner if the mobile food establishment has access to approved flush type toilet facilities, connected to an approved type sewage system ~~area are available~~ on the private commercial property. Mobile food establishments must be parked on a paved surface and in clean surroundings. ~~Overnight parking is prohibited.~~

(7) Food vendors shall comply with this Code as well as with state and federal law and nothing in this article shall exempt a food vendor from zoning ordinances.

(8) Mobile food establishments operating within Market Square or El Mercado shall comply with the appropriate provisions of chapter 32, article II.

(9) No person shall operate a mobile food establishment within three hundred (300) feet of the property line of any public, private elementary, middle or high school grounds one hour before, during, and one hour after school hours.

(10) Mobile food vending operations shall not be carried on within three hundred (300) feet of the property line of any permitted food establishment as defined under article I. A mobile food establishment may be exempt from this provision if written, notarized permission is given by the food establishment owner with regards to a mobile food establishment operating within three hundred (300) feet of his establishment. The written permission shall be kept with the mobile food establishment unit at all times that ~~as~~ the unit is located within three hundred (300) feet of said food establishment.

(11) It shall be unlawful to operate a mobile food establishment in the downtown business district with the exception of vendors who have obtained a special permit from the center city development office, or its successor city department, ~~city downtown operation department~~ in addition to having all required valid mobile food establishment permit(s). The city manager or her designee shall have authority to establish policies and procedures governing the issuances and regulation of the

special permit for mobile food establishments in the downtown business district to include distance requirements from schools and food establishments and access to restroom facilities.

(12) The hours of operation of any mobile food establishment operating in a residential area shall be from 7:00 a.m. Central Standard Time until 9:00 p.m. in June, July and August and until 8:00 p.m. the remainder of the year. ~~to thirty (30) minutes after sunset, except during the months of June, July and August, wherein such hours of operation shall be 7:00 a.m. Central Standard Time to 10:00 p.m. Central Standard Time.~~

(13) The total noise level of any mobile food establishment shall comply with chapter 21, article III. The mobile food establishment shall turn off all music and recorded messages while stationary, except when stopped at a controlled intersection.

(14) Mobile food establishments that are operating in a residential area shall comply with V.T.C.A., Transportation Code § 547.703. When stationary, the mobile food establishment must turn on its hazard lamps as defined in V.T.C.A., Transportation Code § 547.331, except when stopped at a controlled intersection.

(15) No mobile food establishment shall be parked in violation of section 35-311 of the unified development code.

(16) No food vendor or food handler who meets the requirements set forth in subsections 13-62(b)(13)~~(10)~~ or 13-63(a)(17) shall be a sex offender registered with the state department of public safety or shall have been convicted of any sexual offense or any offense against a child as defined by applicable law.

(17) Prior to vending, each food vendor and food handler who will be vending frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas directly to consumers, ~~who vends~~ on a public street, sidewalk, or right-of-way, or who will travel ~~travels~~ with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler vends, shall be required to obtain a written statement issued by the city police department certifying that the food vendor or food handler is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the food vendor or food handler has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounds ~~backgrounding~~ of persons engaged in mobile food vending are specific in exhibit 1 hereto on file in the office of the city clerk, and hereby adopted and incorporated herein for all purposes by reference.

(18) Each food vendor and food handler who is required under subsection (17) to obtain a written statement from the city police department must renew this written statement every two (2) years from the date of issuance by the police department of such written statement.

(19) The fee for each written statement from the city police department for persons age seventeen (17) and older as required in subsections (17) and (18) shall be the sum of the fees required to obtain the local, state, and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(20) Each food vendor and food handler who is required to obtain a written statement from the city police department ~~vends on a public street, sidewalk, or right-of-way, or who travels with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler vends,~~ shall carry the ~~a~~ current written statement from the city police department, as required under subsection (17), on their person at all times while vending.

(21) It shall be unlawful for a person who has obtained a mobile food establishment permit pursuant to section 13-62, and to whom subsection 13-62(b)(13)~~(10)~~ applies, to hire or allow a food vendor or food handler to vend on a public street, sidewalk, or right-of-way, or to travel with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler will vend, who has not first obtained a current written statement issued by the city police department as required by subsections (17) and (18).

(22) It shall be unlawful for a person operating a mobile food establishment to place or allow the placement of any table, chair, awning or other seating or eating area at, near or around the location of the mobile food establishment for customer use except ~~; provided, however,~~ that this provision shall not be construed to conflict with or prohibit a mobile food court from providing such accommodations in accordance with section 13-67. ~~what is allowed by subsection (2) for the display of produce by mobile food establishments.~~

(b) Subsections (a)(2), (a)(4), (a)(5), (a)(6), (a)(9), (a)(10) and (a)(22) shall not apply to mobile food establishments while operating at a special event.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-64, Sanitation requirements generally, is amended as follows:

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 TAC § 229.169 of the Texas Food Establishment Rules as adopted in this chapter unless specifically addressed in this section.

(2) A mobile food establishment shall be operated from a commissary that is licensed or approved by a local, state or federal agency or an approved servicing area as applicable so as to be an approved source and the mobile food establishment shall report to the commissary or servicing area as needed, but not less than once per calendar week ~~and shall report to the commissary each day of operation~~ for all cleaning and servicing operations. The mobile food establishment shall acquire needed supplies from the commissary or other approved source. The mobile food establishment and commissary or servicing area shall maintain ~~provide~~ documentation of each visit to the commissary or servicing area and shall have that documentation available for inspection. Mobile food establishments dispensing fresh fish and shrimp, prepackaged novelty ice cream, whole, uncut fruit and vegetables and any prepackaged nonpotentially hazardous foods ~~individual portion size nonperishable foods such as pickles, candy, peanuts and including snow cones/shaved ice/raspas~~ are exempt from this provision.

(3) Mobile food establishments that dispense snow cones/shaved ice/raspas, shrimp, fish, shellfish, or crusteacea shall provide a gravity fed hand washing system, soap, and paper towels.

(4) Liquid waste resulting from any mobile vending operation shall be stored in permanently installed retention tanks of at least fifteen (15) percent larger capacity than the water supply tank ~~but of no less than thirty (30) gallon capacity~~ and shall be drained and thoroughly flushed during servicing operations. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or servicing area.

(5) All food that requires packaging or preparation by the vendor shall be processed in the commissary that is required as a support facility for a mobile food establishment.

(6) Mobile food establishments dispensing snow cones/shaved ice/raspas shall be designed so as to enable the operator of the unit to protect the equipment, syrup, ice and utensils used in the operation of the unit from dust, insects and rodents while the unit is in transit or overnight storage.

(7) Mobile food establishments shall provide waste containers for customers at such times when the unit is parked.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-65, Sanitation requirements for units with facilities to prepare food, is amended as follows:

Sec. 13-65. Sanitation requirements for units with facilities to prepare or dispense unpackaged potentially hazardous food.

In addition to the sanitation requirements described in section 13-64, food vendors preparing and vending food from a mobile food establishment with facilities to prepare or dispense unpackaged potentially hazardous foods, ~~commonly referred to in the trade as a "hot truck,"~~ shall comply with the following requirements:

(1) A mobile food establishment commissary or servicing area ~~shall be provided at the commissary~~ required in subsection 13-64(2), ~~and~~ shall include at least overhead protection for any supplying, cleaning or servicing operation except those areas used only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection. Within this commissary/servicing area, there shall be a location provided for the flushing and the draining of liquid waste separate from the location provided for water servicing and for the loading and the unloading of food and related supplies.

(2) The commissary and servicing area will maintain a log of mobile food establishments being serviced at the commissary or servicing area ~~provide a date/time device, with associated means to record the date and time,~~ and require each mobile food establishment that is serviced to document the date and time of arrival and departure from the commissary or servicing area and the services performed. The mobile food establishment, commissary and servicing area will make available for inspection the record or records of the mobile food establishments serviced. ~~of the date and time of the servicing at the commissary.~~

(3) ~~Approved water storage facilities for potable water shall be provided on the mobile food establishment and shall be of sufficient capacity (minimum twenty-five (25) gallons) to furnish enough water for food preparation, utensil cleaning and sanitizing, and hand washing. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil or grease and it shall be kept capped when not being used to fill the storage facility. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service.~~ All water and gas distribution pipes or tubing shall be constructed and installed in accordance with public health, fire department and plumbing standards as set out by the ordinances of the city. The water for said operations shall be from an approved source. Every calendar week, mobile food establishments shall check chlorination of its water supply. Every calendar month, mobile food establishments shall sanitize water tanks. Records of all such test results and sanitization shall be made available to the department upon inspection.

(4) A water ~~ten-gallon capacity~~ heating device of no less than six (6) gallons, or an instantaneous water heater, capable of producing one hundred ten (110) degrees

Fahrenheit hot water during the entire time of operation shall be provided in the mobile food establishment.

(5) All food service operations shall be carried on from within the mobile food establishment.

(6) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the director.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-66, Special requirements for units which are hand pushed, is amended as follows:

Sec. 13-66. Special requirements for units which are hand pushed.

In addition to the requirements described in section 13-64, the following requirements shall be met by mobile food establishments of perishable foods and potentially hazardous foods from a hand pushed mobile food establishment; except that snow cones/shaved ice/raspas, produce, prepackaged novelty ice cream and prepackaged nonperishable food vendors are exempt from the provisions of subsections (6), (7), and (8).

(1) All equipment utilized in the mobile food establishment shall have prior approval of the director.

(2) Snowcones/shaved ice/raspa vendors shall provide a gravity fed hand washing station. Soap and paper towels are to be provided. Waste water from handwashing is to be collected in a sealable container and disposed of in a sanitary sewer.

(3) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the director.

(4) The mobile food establishment shall be located in clean surroundings, on a paved surface ~~concrete, brick~~ or equally impervious ground and maintained in a clean and sanitary condition.

(5) A push cart vendor shall be prohibited from operating on the public streets.

(6) The mobile food establishment shall be cleaned and serviced at the commissary or servicing area ~~at the beginning of each day~~ and shall be stored inside a building when not in operation. The mobile food establishment shall acquire needed supplies from the commissary or other approved source. The mobile food establishment shall provide documentation of each visit to the commissary or servicing area and shall have that documentation available for inspection. With prior approval from the director or his designee, however, the mobile food establishment may be kept on site in a location that is secured, fenced and inaccessible to the public during nonoperating hours. When so stored

on site, such mobile food establishment must be covered for protection from the elements and potential vectors with covering approved by the director or his agent. The mobile food establishment stored on site shall be cleaned and serviced on the same standards as those units cleaned and serviced in a ~~central~~ commissary or servicing area and must meet all other requirements of this chapter.

(7) Hand pushed mobile food establishments openly handling potentially hazardous ~~dispensing unpackaged~~ food and drink shall be equipped with a two-compartment ~~stainless steel~~ sink, a separate handwashing sink, soap and paper towels, and provided with an adequate amount of hot and cold running water. The sink, potable water holding tanks, and waste water holding tank shall be installed and operated in accordance with the city development services department's plumbing regulations.

(8) Facilities to heat water and potentially hazardous food products on hand pushed mobile food establishments shall be installed and operated in accordance with the city fire department rules and regulations.

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.

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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. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

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 7th day of August, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**20**
Date:	08/07/2014
Time:	11:56:56 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 13, "Food and Food Handlers" of the City Code of the City of San Antonio, Texas, pertaining to the regulation of mobile food establishments; amending fees; and providing for criminal penalties and publication. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Health]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy Taylor	Mayor		x				
Diego Bernal	District 1		x				
	District 2	x					
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	