

ORDINANCE NO. 2003-17

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE SECOND PARAGRAPH AND THE DEFINITION OF "HEALTH DEPARTMENT" IN SECTION 42-86 OF DIVISION 1 OF ARTICLE IV OF CHAPTER 42 THEREOF AND SUBSTITUTING THEREFOR A NEW SECOND PARAGRAPH AND A NEW DEFINITION OF "HEALTH DEPARTMENT" AND BY DELETING ALL OF SUBSECTION (A) OF SECTION 42-88 OF DIVISION 1 OF ARTICLE IV OF CHAPTER 42 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION (A); ADOPTING NEW TEXAS DEPARTMENT OF HEALTH AND HARRIS COUNTY REGULATIONS FOR FOOD AND FOOD ESTABLISHMENTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting all of the second paragraph and the definition of "Health department" in Section 42-86 thereof and substituting therefor a new second paragraph, a definition of "County health department," and a definition of "State health department," to provide as follows:

"Sec. 42.86. Definitions.

...

All definitions contained in the Texas Department of Health *Texas Food Establishment Rules*; the Harris County *Rules Regulating Food Establishments in Harris County, Texas*; the *Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors* (Chapter 437, Texas Health and Safety Code); the *Texas Food, Drug, and Cosmetic Act* (Chapter 431, Texas Health and Safety Code); and the *Minimum Standards of Sanitation and Health Protection Measures* (Chapter 341, Texas Health and Safety Code)," are hereby adopted.

...

Health department means the Harris County Public Health & Environmental Services.

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby further amended by deleting all of subsection (a) of Section 42-88 of Division 1 of Article IV of Chapter 42 thereof and substituting therefor a new subsection (a) to provide as follows:

“Sec. 42-88. Regulations adopted.

(a) There is hereby adopted by reference the Texas Department of Health *Texas Food Establishment Rules* (25 Texas Administrative Code, Chapter 229, Sections 161-171, and 173-175); the Harris County *Rules Regulating Food Establishments in Harris County, Texas*; the *Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors* (Chapter 437, Texas Health and Safety Code); the *Texas Food, Drug, and Cosmetic Act* (Chapter 431, Texas Health and Safety Code); and the *Minimum Standards of Sanitation and Health Protection Measures* (Chapter 341, Texas Health and Safety Code).”

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF OCTOBER 2003.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN HOLLAND	<u>AYE</u>
COUNCILMAN STOVALL	<u>AYE</u>
COUNCILMAN MARTIN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF NOVEMBER 2003.

COUNCILMAN FORD	<u>ABSENT</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN HOLLAND	<u>AYE</u>
COUNCILMAN STOVALL	<u>AYE</u>
COUNCILMAN MARTIN	<u>AYE</u>

(signed) H. G. Harrington
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris J. Speer
DORIS J. SPEER, City Secretary
City of Tomball