

ORDINANCE NO. 2008 - 25

AN ORDINANCE OF THE CITY OF CANTON, TEXAS AMENDING ORDINANCE 95-02 DATED FEBRUARY 21, 1995, ESTABLISHING THE PERMITTING AND ENFORCEMENT OF STATE LAW AND STATE RULES FOR FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, ROADSIDE FOOD VENDORS AND TEMPORARY FOOD SERVICE ESTABLISHMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, the Texas Health and Safety Code, Sec 437.001 et. seq. provides municipalities with authority to enforce state rules adopted under state statutes concerning food service establishments, retail food stores, mobile food units, roadside food vendors and temporary food service establishments; and

WHEREAS, municipalities may require permits, plan review, inspections and may deny, suspend or revoke the permit of the food service establishment, retail food store, mobile food unit, roadside food vendor or temporary food service establishment if not in compliance with state laws or state rules; and

WHEREAS, municipalities may establish permit fees to be deposited in a special fund for the enforcement of this order;

WHEREAS, The City Council of the City of Canton is of the opinion and finds that Ordinance 95-02 adopted February 21, 1995, should be amended:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, that Section 1 of Ordinance 95-02 be amended as follows:

SECTION 1. Definitions; Relationship to State Regulations.

The definitions, the inspection of food service establishments, retail food stores, mobile food units, roadside food vendors and temporary food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, retail food stores, mobile food units, roadside food vendors and temporary food service establishments, the prohibiting of the sale of unsound or mislabeled food or drink, and the enforcement of Sections 1 through 8 shall be regulated in accordance with the following:

- A. Texas Department of Health, Division of Food and Drugs "Rules on Food Service Sanitation", Rules 221.161-177;
- B. Texas Department of Health, Rules for Permitting Retail Food Stores, Food Service Establishments, Mobile Food Units, Roadside Food Vendors and Temporary Food Services Establishments, Rules 229.370-229.374;
- C. Texas Health & Safety Code Section 431.001 through Section 438.061 (Vernon 1992 and Vernon Supp. 1994) and pertinent amendments thereto.

The words "regulatory authority" shall be understood to refer to the City of Canton. The word "suspension" shall be understood to mean the temporary discontinuance of a permit issued under said sections for an indefinite period of time. The word "revocation" shall be understood to mean the discontinuance of a permit issued under said sections for an indefinite period of time.

Violations and Penalties

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense, together with the costs of such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

Effective Date

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

Repeal of Conflicting Ordinances

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

Severability Clause

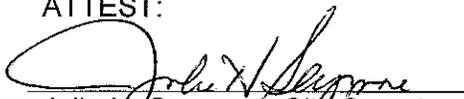
That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED, ADOPTED AND APPROVED by a majority of the Canton City Council on this the 21st day of October, 2008



William R. Wilson, Mayor

ATTEST:


Julie H. Seymore, City Secretary