

ORDINANCE NO. 668

AN ORDINANCE DEFINING FOOD, POTENTIALLY HAZARDOUS FOOD, ADULTERATED MISBRANDED, FOOD-SERVICE ESTABLISHMENT, TEMPORARY FOOD-SERVICE ESTABLISHMENT, HEALTH AUTHORITY, UTENSILS, EQUIPMENT, ETC.; PROVIDING FOR THE SALE OF ONLY UNADULTERATED, WHOLESOME, PROPERLY BRANDED FOOD; REGULATING THE SOURCES OF FOOD; ESTABLISHING SANITATION STANDARDS FOR FOOD, FOOD PROTECTION, FOOD-SERVICE PERSONNEL, FOOD-SERVICE OPERATIONS, FOOD EQUIPMENT AND UTENSILS, SANITARY FACILITIES AND CONTROLS, AND OTHER FACILITIES; REQUIRING PERMITS FOR THE OPERATION OF FOOD-SERVICE ESTABLISHMENTS; PROVIDING FOR THE EXAMINATION AND CONDEMNATION OF FOOD; PROVIDING FOR THE INCORPORATION BY REFERENCE THE COMPLIANCE PROVISIONS OF THE 1962 EDITION OF THE "UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE AND CODE"; AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND FIXING OF PENALTIES OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION A. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

1. **ADULTERATED** shall mean the condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established, or in excess of such tolerance if one has been established; (c) if it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. **APPROVED** shall mean acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.
3. **CLOSED** shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

4. **CORROSION-RESISTANT MATERIAL** shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.
5. **EASILY CLEANABLE** shall mean readily accessible and of such material and finish, and so fabricated, that residue may be completely removed by normal cleaning methods.
6. **EMPLOYEE** shall mean any person working in a food-service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.
7. **EQUIPMENT** shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables and similar items, other than utensils, used in the operation of a food-service establishment.
8. **FOOD** shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
9. **FOOD-CONTACT SURFACES** shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
10. **FOOD-PROCESSING ESTABLISHMENT** shall mean a commercial establishment in which food is prepared and packaged for human consumption.
11. **FOOD-SERVICE ESTABLISHMENT** shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; school; hospital; private, public or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.
12. **HEALTH AUTHORITY** shall mean the health authority of the City of Mesquite or its designated representative.
13. **KITCHENWARE** shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying or serving of food.
14. **MISBRANDED** shall mean the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable State or local labeling requirements.

15. PERISHABLE FOOD shall mean any food of such type or in such condition as may spoil.

16. PERSON shall mean an individual, or firm, partnership, company, corporation, trustee, association, or any public or private entity.

17. POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

18. SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of 40° F. or below, and 140° F. or above.

19. SANITIZE shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health authority as being effective in destroying microorganisms, including pathogens.

20. SEALED shall mean free of cracks or other openings which permit the entry or passage of moisture.

21. SINGLE-SERVICE ARTICLES shall mean cups, containers, lids, or closures; plates, knives, forks, spoons, stirers, paddles; straws, placemats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

22. TABLEWARE shall mean all multi-use eating and drinking utensils, including flatware (knives, forks and spoons).

23. TEMPORARY FOOD-SERVICE ESTABLISHMENT shall mean any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition or similar transitory gathering.

24. UTENSIL shall mean any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

25. WHOLESOME shall mean in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

SECTION B. FOOD

1. Food Supplies: All food in food-service establishments shall be from sources approved or considered satisfactory by the health authority, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, non-acid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used.
2. Food Protection: All food while being stored, prepared, displayed, served, or sold at food-service establishments, or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (40° F. or below, or 140° F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be re-served.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and such conditions as will not contaminate food or constitute a hazard to employees or customers.

SECTION C. PERSONNEL

1. Health and Disease Control: No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting diseases to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health authority immediately.
2. Cleanliness: All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

3. Health Cards: The City Health Department, upon application from any person desiring to work at or be employed by any establishment preparing and/or dispensing food or drink for human consumption, and upon the applicant's compliance with the following provisions, shall issue a health card:

Provision A. A report showing that a chest x-ray of said applicant has been made within not more than twelve months prior to date of application and that said report shows that applicant is free of tuberculosis;

Provision B. A report showing that a recognized blood test for the presence of syphilis has been taken by applicant not more than fifteen (15) days prior to date of application and that said report is negative;

Provision C. A report from family physician, such report to be made on forms furnished by the City Health Inspector, and such report to show that applicant's health is sufficiently good to be issued a health card;

Provision D. Payment of a \$2.00 fee.

A health card issued by the Health Department of the City of Mesquite shall be valid for a period of 12 months from date of issue.

It shall be hereafter unlawful for any person to work at, maintain or be employed at any store, place or vehicle at which food or drink is prepared or dispensed without having first obtained the permit provided for herein.

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. Sanitary Design, Construction and Installation of Equipment and Utensils: All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant and relatively non-absorbent; provided that, when approved by the health authority, exceptions may be made to the above material requirements for equipment such as cutting boards, blocks and bakers' tables.

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.

Single-service articles shall be made from nontoxic materials.

2. Cleanliness of Equipment and Utensils: All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation of or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled and dispensed in a sanitary manner, and shall be used only once.

Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

SECTION E. SANITARY FACILITIES AND CONTROLS

1. Water Supply: The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed. Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

2. Sewage Disposal: All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the health authority.

3. Plumbing: Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an unsanitary condition or nuisance.

4. Toilet Facilities: Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage disposal facilities have been approved by the health authority, such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

5. Hand-Washing Facilities: Each food-service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

6. Garbage and Rubbish Disposal: All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use, provided that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish.

Food-waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

7. Vermin Control: Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

SECTION F. OTHER FACILITIES AND OPERATIONS

1. Floors, Walls and Ceilings: The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, non-absorbent materials, and so constructed as to be easily cleanable, provided that the floors of nonrefrigerated, dry-food-storage areas need not be non-absorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

2. Lighting: All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light of at least 50-foot candles at three feet above the floor shall be provided in the area being cleaned, and upon or around equipment being cleaned.

3. Ventilation: All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

4. Dressing Rooms and Lockers: Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage, and serving areas, and the utensil-washing and storage areas, provided that when approved by the health authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

5. Housekeeping: All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food-service establishment operations, provided that guide dogs accompanying blind persons may be permitted in dining areas.

SECTION G. TEMPORARY FOOD-SERVICE ESTABLISHMENTS

A temporary food-service establishment shall comply with all provisions of this ordinance which are applicable to its operation, provided that the health authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

SECTION H. ENFORCEMENT PROVISIONS

1. Permit: It shall be unlawful for any person to operate a food-service establishment within the municipality of Mesquite, or its police jurisdiction, who does not possess a valid permit issued to him by the health authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferrable from one person to another person or place. A valid permit shall be posted in every food-service establishment. Permits for temporary food-service establishments shall be issued for a period of time not to exceed fourteen (14) days.

(a) Issuance of Permits: Any person desiring to operate a food-service establishment shall make written application for a permit on forms provided by the health authority. Such application shall include the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses, shall be included; the location and type of the proposed food-service establishment; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.

A permit fee will accompany each application. The number of employees in the establishment shall determine the amount of the fee. This will include the owner and/or manager and all employees engaged in the preparation and serving of food. The following fee schedule shall prevail: one to four employees, \$5.00; five to nine employees, \$10.00; ten or more employees, \$15.00. The permit shall be valid for one year. Permits are to be renewed on an annual basis by the filing of a permit renewal application and fee with the health authority. Applicants shall not under any circumstances be entitled to a refund of permit fees after an application has been filed.

Upon receipt of such an application, the health authority shall make an inspection of the food-service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health authority.

(b) Suspension of Permits: Permits may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this ordinance.

Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of Section H of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended (or the establishment down-graded), and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the permit holder.

Notwithstanding the other provisions of this ordinance, whenever the health authority finds insanitary or other conditions in the operation of a food-service establishment which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible.

(c) Reinstatement of Suspended Permits: Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

(d) Revocation of Permits: For serious or repeated violations of any of the requirements of this ordinance, or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Prior to such action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the health authority, by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(e) Hearings: The hearings provided for in this section shall be conducted by the Health Committee at a time and place designated by it. The Health Committee shall consist of five members appointed by the City Council. Members of the Committee shall possess the following qualifications:

- One shall be the City Health Officer, who shall preside as chairman;
- One shall be a Medical Doctor currently licensed under the laws of the State of Texas;
- One shall be engaged in Food Service per se - i. e. , a cafe or restaurant owner;
- One member shall be a disinterested layman;
- One member shall be a licensed building contractor.

Based upon the record of such hearing, the Health Committee shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health authority.

(f) The applicant shall not be entitled to a refund of permit fees where a permit is revoked or suspended as provided in this ordinance.

2. Inspection of Food-Service Establishments: At least once every three months, the health authority shall inspect each food-service establishment located in the municipality of Mesquite, or its police jurisdiction, and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.

(a) Access to Establishments: The health authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment within the municipality of Mesquite, or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

(b) Inspection Records: Whenever the health authority makes an inspection of a food-service establishment, he shall record his findings on an inspection report form provided for this purpose, and shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of Sections B through G of this ordinance and shall set forth a standard rating system for each requirement.

(c) Issuance of Notices: Whenever the health authority makes an inspection of a food-service establishment and discovers that any of the requirements of Sections B through G of this ordinance have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the health authority shall:

- (1) Set forth the specific violations found;
- (2) Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:
 - (a) When the violations of the establishment are of a minor nature, all items must be corrected by the time of the next routine inspection; or
 - (b) When the violations of the establishment are of a major nature, all items must be corrected within a period of time not to exceed 30 days; or
 - (c) When one or more imminently hazardous items are in violation, such items must be corrected within a period of time not to exceed 10 days; or
 - (d) When the violations of the establishment are of such a nature as to be an immediate danger to the public, the permit is immediately suspended;
 - (e) In the case of temporary food-service establishments, violations must be corrected within a specified period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit;
- (3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit;
- (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period of time established in the notice for correction.

(d) Service of Notices: Notices provided for under this Section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

3. Examination and Condemnation of Food: Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority, and neither such food nor the containers thereof shall be re-labeled, re-packed, re-processed, altered, disposed of or destroyed without permission of the

health authority, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in subsection H2c(4), and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance, provided that such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

4. Food-Service Establishments Outside Jurisdiction of the Health Authority: Food from food-service establishments outside the jurisdiction of the health authority of the municipality of Mesquite may be sold within the municipality of Mesquite if such food-service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.

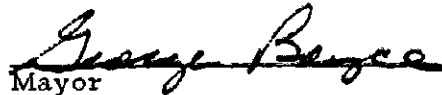
5. Plan Review of Future Construction: When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration showing layout, arrangement and construction materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the health authority for approval before issuance of a building permit.

6. Procedure When Infection is Suspected: When the health authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee, the health authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments; (b) the immediate closure of the food-serving establishment concerned until, in the opinion of the health authority, no further danger outbreak exists; (c) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

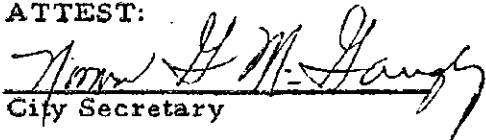
7. Enforcement Interpretations: This ordinance shall be enforced by the health authority in accordance with the interpretations thereof contained in the compliance provisions of the 1962 Edition of the "United States Public Health Service Food-Service Sanitation Ordinance and Code", three copies of which shall be on file in the City Secretary's office.

8. Penalties: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5.00 nor more than \$200.00 for each offense. In addition thereto, such persons may be enjoined from continuing such violation. Each day upon which such a violation occurs shall constitute a separate violation.
9. Unconstitutionality Clause: Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.
10. Repeal and Date of Effect: As the present ordinances regulating food-service and food-processing establishments are inadequate, this ordinance shall take effect and be in full force five days from and after the date of the publication of the caption of this ordinance, and at that time all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

DULY PASSED by the City Council of the City of Mesquite, Texas, this
6th day of March, 1967.


Mayor

ATTEST:


City Secretary