

ORDINANCE NO. 3230

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 8, ARTICLE VIII, "FOOD SERVICE ESTABLISHMENTS", OF THE CODE OF THE CITY OF MESQUITE, TEXAS BY AMENDING SECTION 8-541 TO ADD DEFINITIONS FOR HEALTH COMMITTEE AND HEALTH OFFICIAL; BY ADDING SECTION 8-544 TO PROVIDE FOR THE DESIGNATION OF A HEALTH AUTHORITY; AND BY ADDING SECTION 8-545 TO PROVIDE FOR THE DESIGNATION OF A HEALTH COMMITTEE THEREBY REPEALING ORDINANCE NO. 2664; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS; the City Council of the City of Mesquite, Texas has determined that it is in the best interest of the City and its' citizens to repeal Ordinance No. 2664 and to amend Article VIII of Chapter 8 of the Code of the City of Mesquite relating to the regulation of food service establishments thereby establishing a Health Committee of five members, adding certain definitions, and designating a health authority;

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

SECTION 1. That Chapter 8, Article VIII, Division 1 of the Code of the City of Mesquite, Texas pertaining to Food Service Establishments is hereby amended as follows, in all other respects said Division, Article, Chapter and Code to remain in full force and effect:

A. Section 8-541 is hereby amended to add to the list of definitions the following, in all other respects said Section to remain in full force and effect :

health committee means the committee established by ordinance and appointed by the city council to assist in performing the duties assigned in this chapter with regard to the enforcement provisions set forth in division 11 hereof and to perform all other duties as set forth in other chapters of the Code or as provided by ordinance.

health official means the person appointed by the city manager having enforcement responsibility for all city ordinances relating to food service establishments, swimming pools, and liquid wastes and such other duties as set forth by ordinance.

B. Chapter 8, Article VIII, Division 1 is hereby amended to add two (2) new sections to read as follows:

8-544. Health Authority designated.

The health authority shall be the health official of the city, or his authorized representative, who has been designated by the director of the department to perform the duties required of a health authority under state law, the rules adopted by the Texas Department of Health, and as assigned in this chapter and code. His duties shall include, but not be limited to, the enforcement of this article and supervision of the city health inspectors.

8-545. Health Committee designated.

(a) There is hereby created a health committee for the purpose of hearing appeals from anyone aggrieved by the interpretation of the health authority.

(b) The committee shall consist of five (5) members. The city health officer shall be a member of the committee and shall preside over all meetings. The remaining members shall be appointed by the city council and shall possess the following qualifications:

- (1) one (1) member shall be a Medical Doctor/Doctor of Osteopathy currently licensed under the laws of the State of Texas;
- (2) one (1) member shall be intrinsically engaged in food service (i.e., a food service establishment owner/manager);
- (3) one (1) member shall be a disinterested laymen; and,
- (4) one (1) member shall be a licensed contractor.

(c) The city health officer will be Chairman and the health committee shall annually elect a Vice Chairman who shall do the following:

(1) Chairman - the Chairman shall preside over meetings and shall be entitled to vote upon each issue. In the event a question over procedure arises, Robert's Rules of Order shall prevail.

(2) Vice-Chairman - the Vice-Chairman shall assist the Chairman in directing affairs of the committee. In the absence of the Chairman, the Vice-Chairman shall assume all duties of the Chairman.

(d) The appointive members of the committee shall serve for a period of two (2) years or until their successors have been appointed, and shall serve without compensation.

(e) In performing its duties, the committee may sustain, modify, or rescind any official notice or order issued by the health authority as provided by the respective ordinances. The committee shall hear appeals from anyone aggrieved by the interpretation of the health authority upon written request to the health authority within five (5) days of receiving a notice or order. The health committee, within ten (10) days following the receipt of a request, shall provide a hearing at a time and place designated by them.

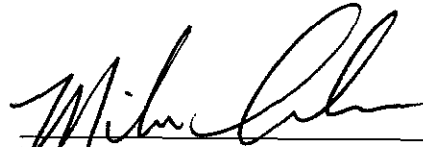
(f) The health committee shall prescribe its procedures and order of business. Four (4) members shall constitute a quorum to conduct business. All business of this committee shall be approved by simple majority vote of all members present.

SECTION 2. That all provisions of the ordinances of the City of Mesquite, codified or uncodified, in conflict with the provisions of this ordinance including, but not limited to, Ordinance No. 2664 are hereby repealed, and all other provisions of the ordinances of the City of Mesquite, codified or uncodified, not in conflict with the provisions of this ordinance, shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.


SECTION 4. That the present ordinances of the City of Mesquite are inadequate in regards to certain health regulations which creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas
on the 15th day of June, 1998.



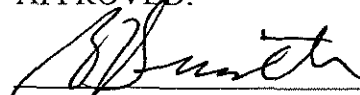
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney