

# AGENDA



Thursday, April 29, 2010

**Health and Human Services**  
**RECOMMENDATION FOR COUNCIL ACTION**

**Item No. 28**

**Subject:** Approve an ordinance amending Chapter 10-3, Article 2 of the City Code relating to temporary food establishments and sampling of food products at certified farmers markets.

**Amount and Source of Funding:** It is estimated that the new permitting requirements of this ordinance change will generate an additional \$17,120 in revenue per year.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Shannon Jones, Assistant Director, Public Health and Community Services, 972-5408; David B. Lopez, Manager, HHSD Environmental and Consumer Health Unit, 972-5687; Linda Terry, Agenda Coordinator, 972-5023.

**Boards and Commission Action:** Recommended by the Public Health and Human Services Committee.

In 2008, the City Code Chapter 10-3 was amended to add the food handler registration requirement. Overall housekeeping of Chapter 10-3 has not been done since 2005. Current issues surrounding farmers' markets have prompted the need to review and revise the ordinance to address the sampling of foods at a farmers' market and to make other housekeeping changes.

Farmers' markets have become more complex than in the past when the only food products provided were whole fruits and vegetables. The current expectation of consumers for a farmers' market is to have a variety of "value added" foods available. These foods include processed items, breads, meats and, in some cases, involve food preparation and service on-site. Current food rules allow for these food items to be offered under mobile food vending rules or, on occasion, as a temporary food event.

The proposed changes to the Code will allow open food sampling and service of the "value added" foods while still meeting the intent for food protection of the Texas Food Establishment Rules and City Code.

A "sampling permit" means the demonstration or promotion of a food and its characteristics by offering the food in a small serving that cannot be sold and that may not consist of a whole meal, an individual portion, or a whole sandwich.

In addition, there are changes included which will clarify and strengthen definitions, code requirements, such as equipment detention, and make violations of the code a fine only offense.

All changes in the Code are more specifically described in Attachment A.