

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL
Regular Meeting: April 26, 2018

Item Number: **016**

Public Health

Approve an ordinance amending City Code Chapter 10-3 related to food enterprise permits.

Lead Department	Austin Public Health.
Fiscal Note	This item has no fiscal impact.
Prior Council Action	September 13, 2017 - council approved Ordinance 20170913-002, which approved the Fiscal Year 2017-2018 Fee Schedule exempting fees for children's neighborhood beverage stands on a 9-2 vote with council members Renteria and Troxclair voting no.
For More Information	Don Hastings, Assistant Director, 512-978-0303; Vince Delisi, Program Manager II, 512-978-0319; Estella Kirscht, Agenda Coordinator, 512-972-5039.

Additional Backup Information:

The proposed amendments to Sections 10-3-1 and 10-3-61 of the City Code exempt children's neighborhood beverage stands from the permitting and inspecting requirements for temporary food establishments. This proposed exemption is consistent with Chapter 228.222(a) of the Texas Administrative Code that provides local authorities the discretion to waive or modify temporary food establishment regulations for children's neighborhood beverage stands when no health hazard will result.

On September 13, 2017, Council approved the Fiscal Year 2017-2018 Fee Schedule exempting children's neighborhood beverage stands from temporary food establishment permit fees. On June 1, 2017 the Environmental Health Services Division of the Austin Public Health Department adopted Administrative Policy 8.309 "Children's Neighborhood Beverage Stands" to exempt them from temporary food establishment requirements for permitting, fees, and inspections.

In order to distinguish traditional children's neighborhood beverage stands from commercial-type operations that are subject to permitting requirements, the proposed amendments to Sections 10-3-1 and 10-3-61 would apply only to a temporary beverage stand that: is operated by children (defined as persons 17 years of age or younger); located in a neighborhood (defined as a geographical area of the City of Austin zoned for single-family or multi-family residential use); provides beverages only (defined as lemonade, cold or hot tea and coffee, and hot chocolate); provides single-use, disposable cups and articles for use by customers only; and, operates for no more than six (6) periods of fourteen (14) consecutive days, and no more than eighty-four (84) days, in any single calendar year.