

**ORDINANCE NO. 20180426-016**

**AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE  
RELATING TO FOOD ENTERPRISE PERMITS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 10-3-1 (*Definitions*) of the City Code is amended to add a new subdivision (5), and subdivisions (5) through (20) are renumbered accordingly.

**§10-3-1 DEFINITIONS.**

(5) CHILDREN'S NEIGHBORHOOD BEVERAGE STAND means a temporary food establishment that is:

- (a) operated by a child 17 years of age or younger;
- (b) located in a neighborhood, defined as a geographical area of Austin zoned for single-family or multi-family residential use only;
- (c) providing beverages, defined to mean lemonade, cold or hot tea, coffee, and hot chocolate, in single-use, disposable cups and articles for use by customers; and
- (d) operated no more than six periods of 14 consecutive days, and no more than 84 days total in a calendar year.

**PART 2.** Section 10-3-61 (*Permit Required*) of the City Code is amended to read as follows:

**§10-3-61 PERMIT REQUIRED.**

- (A) Except as provided in Subsections (C) and (F), a person must hold a permit issued by the health authority to operate a food enterprise.
- (B) A person must hold a food enterprise permit issued by the health authority to operate a group residence, boarding home, or congregate living facility with occupancy for 16 or more residents when food is provided, stored, or prepared onsite, or prepared by a third party operator or facilitator.


- (C) A vending machine that only dispenses non-~~potentially~~ hazardous food does not require a permit.
- (D) A person must comply with the requirements of this chapter to receive or retain a permit.
- (E) A permit issued under this chapter is not transferable.
- (F) A person operating a children's neighborhood beverage stand providing non-hazardous beverages does not require a permit.

**PART 3.** This ordinance takes effect on May 7, 2018.

**PASSED AND APPROVED**

\_\_\_\_\_, April 26 \_\_\_\_\_, 2018

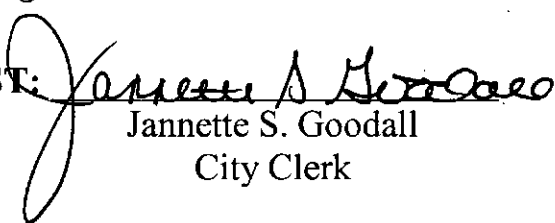
**APPROVED:**

  
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Anne L. Morgan  
City Attorney

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Steve Adler  
Mayor

**ATTEST:**

  
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Jannette S. Goodall  
City Clerk