

THE STATE OF TEXAS
COUNTY OF CHAMBERS

IN THE COMMISSIONERS' COURT
OF CHAMBERS COUNTY, TEXAS

AMENDED ORDER NO. _____

AN ORDER REGARDING THE REGULATION OF FOOD ESTABLISHMENTS INCLUDING
FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS,
TEMPORARY FOOD ESTABLISHMENTS, AND ROADSIDE FOOD VENDORS

As provided by Chapter 437 of the Texas Health and Safety Code, counties and public health districts have the authority to enforce state law and rules concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.

Therefore, it is ORDERED, that Chambers County Commissioners' Court adopt the following order:

Section 1. Enforcement of State Law and Rules and Definitions

Chambers County adopts by reference the provisions of Chapter 437 applicable to counties/public health districts and the current rules or rules as amended by The Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments in this jurisdiction.

The words "authorized agent or employee" mean the employees of the regulatory authority.

The words "food establishment" means a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

The words "state laws and rules" mean the state laws found in Chapter 437 of the Texas Health and Safety Code and the state rules found at 25 Texas Administrative Code Chapter 228.

The words "regulatory authority" means the Chambers County Health Authority.

Section 2. Permits and Exemptions

A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferrable from one person to another or from one location to another location, except as otherwise permitted by this order. A valid permit must be posted in or on every food establishment regulated by this order.

A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this order, but is not exempt from compliance with state laws and rules. The regulatory authority may require any information necessary to determine whether an organization is nonprofit for purposes of this exemption.

A bed and breakfast establishment with seven or fewer rooms for rent that serves only breakfast to its overnight guests is not a food establishment for purposes of this order. Any other bed and breakfast is a food establishment and shall follow the applicable state rules and must obtain a permit under this order.

Chambers County shall be limited to 25 permitted mobile food units due to the absence of a county servicing area for regular vehicle cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food. There would be an exception if the vehicle is operated in conjunction with a permitted food establishment that can be utilized as a servicing area.

Section 3. Application for Permit and Fees

Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules may be denied a permit or the renewal of a permit.

The following fee schedule applies to permits issued under this order:

Permit fees are nonrefundable. All transactions are final.

Plan Review for Renovation or Repurposing of Existing Buildings for Food Establishments

Low Risk - \$25.00

Medium/High Risk - \$50.00

Risk Categories for Food Establishments

- **High Risk** – An establishment that prepares and sells/serves potentially hazardous food, such as, but not limited to; restaurants, cafeterias, fast-food restaurants, hospitals, mobile food units, schools, daycares, and grocery stores that prepackage potentially hazardous food on site.
- **Medium Risk** – An establishment that sells/serves pre-packaged potentially hazardous food and/or prepares limited types of food such as, but not limited to: grocery stores; convenience stores that heat and serve deli type food (hot dogs, sausage, etc.) and/or package ice.
- **Low Risk** - An establishment that sells/serves only prepackaged non-potentially hazardous food or whole uncut produce such as, but not limited to; convenience stores, bars, farmers markets, and establishments that serve only prepackaged, non-potentially hazardous food.

Annual Food Establishment Permit

0-1,000 sq. feet \$200.00

Over 1,000 sq. feet \$300.00

Roadside/Mobile Vendor \$200.00

School Food Service

Based on square footage of kitchen/food operation as set out above.

Daycare Facility \$150.00

Temporary Food Establishment \$75.00

Permit not to exceed 10 days; and valid for one event

Late Fee \$75.00

Food Establishments – Fee not received prior to expiration of existing permit.

Temporary Food Establishment – Fee not received prior to the opening of the event.

Reinstatement Fee of Suspended Permit \$75.00

Reinspection Fee \$75.00

Section 4. Review of Plans

Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun. Extensive remodeling means that 20% or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of state law and rules. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow approved plans and specifications, when required, will result in a permit denial, suspension, or revocation.

Section 5. Enforcement of Order

The regulatory authority may, after giving notice and providing an opportunity for hearing, deny, suspend, or revoke a permit for any violation of this order, the state law, or the state rules.

The notice of the reasons for the denial, suspension, or revocation of the permit shall be in writing and mailed by certified mail, return receipt requested, to the permit holder or applicant at the address as shown on the permit application or renewal. The reason for the denial, suspension, or revocation shall be stated in the notice. The permit holder or applicant shall have twenty days from the receipt of the notice letter to request a hearing on the denial, suspension, or revocation. If no request for hearing is received by the regulatory authority after twenty days of receipt of the notice by the permit holder, or applicant, the regulatory authority may take the proposed action without a hearing.

If a hearing is requested within the twenty day period, the hearing shall be conducted by

Commissioners' Court. The Commissioners' Court shall appoint a time, day, and location for the hearing. Both the regulatory authority and the permit holder or applicant shall have the right to present witnesses and evidence in the hearing. Based on the evidence presented at the hearing, the Commissioners' Court shall make a final written decision in the matter and shall notify the regulatory authority and the permit holder or applicant.

Section 6. Severability

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the regulations as prescribed above are hereby set by this Commissioners' Court effective immediately.

Done in open court this ____ day of _____, 20____.

Jimmy Sylvia, County Judge

ATTEST:

Jimmy Gore
Commissioner, Precinct 1

Mark Tice
Commissioner, Precinct 2

Tommy Hammond
Commissioner, Precinct 3

Billy Combs
Commissioner, Precinct 4

Heather Hawthorne
Chambers County Clerk