

ORDINANCE NO. 7105

AN ORDINANCE AMENDING CHAPTER 22, "HEALTH" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Chapter 22, AHealth@ of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending the revision of 228.247(h) of the Texas Food Establishment Rules as made by Sec. 22.26 of the Code of Ordinances to read as follows:

"228.247(h) Revocation of permits. A permit may be permanently revoked for serious or repeated violations of any of the requirements of this article, for interference with an employee of the regulatory authority in the performance of his or her duties, or for having scored fifty nine or below on three or more unannounced food service inspections within an eighteen month period. Prior to such action, the regulatory authority shall notify the permit holder in writing, stating with reasonable particularity the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing contesting the decision is filed with the regulatory authority within such five day period. A permit shall be suspended pending its revocation or pending any hearing contesting the proposed revocation."

Section 2

That Sec. 22.26 of Chapter 22, AHealth@ of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new revision of 228.247 of the Texas Food Establishment Rules to read as follows:

"228.247(k) Prohibited operations after permit revocation. A person related within the fourth degree by consanguinity or affinity to the holder of a food permit that has been revoked pursuant to subsection (h) may not, for a period of one hundred eighty days from the date of the revocation, apply for a food permit in connection with the establishment for which the food

permit was revoked. In this subsection, "person" includes without limitation each member of a partnership or association, each member of a limited liability company and, with respect to a corporation, each officer and the owner or owners of a majority of the corporate stock."

Section 3

That Sec. 22.26 of Chapter 22, AHealth@ of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new revision of 228.247 of the Texas Food Establishment Rules to read as follows:

"228.247(1) Posting of food inspection scores. All food establishments shall post, on a form provided by the regulatory authority, the most recent unannounced inspection score or scores (if two or more scores are available for the food establishment). The form shall be placed on or near the entrance of the food establishment in plain view of the public. No person may remove, cover, alter, deface, or other make unreadable the posted form. The form shall remain posted until a new scoring form is issued by the regulatory authority for the food establishment, at which time the new scoring form shall be posted."

Section 4

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That Chapter 22, AHealth@ of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 19th day of November, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED: