

ORDINANCE

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 13, “FOOD AND FOOD PRODUCTS,” OF THE CITY OF LAREDO CODE OF ORDINANCES PROVIDING CLARIFICATION ON THE ADOPTION OF RULES, REGULATIONS AND ASSOCIATED FEES FOR HEALTH DEPARTMENT SERVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City of Laredo to provide for the public health, safety and welfare of its residents as it relates to food and food products, food service establishments, retail food stores, mobile food units, roadside vendors, and food trucks; and

WHEREAS, the City of Laredo is amending fees for products and services provided in order to align with the rates and requirements set forth by the Texas Department of State Health Services and comply legislation enacted September 1, 2025.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Chapter 13 “Food and Food Products,” Article II “Food Products Establishments” of the City of Laredo Code of Ordinances, is hereby amended as follows:

Sec. 13-1. State food service sanitation rules adopted by reference.

Texas Administrative Code Title 25: Ch 228 Texas Food Establishment Rules by the Texas Department of Health, Division of Food and Drugs, as amended October 1, 2015 are adopted by reference as an ordinance of the city governing the operation of food service establishments and will be overseen and enforced by the City of Laredo Public Health Department (CLPHD) Director.

In accordance with House Bills 1008 and 2844 along with the Texas Health and Safety Code, the City shall not require a mobile food unit, food service establishment, or retail food establishment to obtain a city permit or pay a city permit fee if the vendor: (a) holds a current permit issued by the Texas Department of State Health Services (DSHS) for that purpose, or (b) is licensed as a food manufacturer by DSHS. Local regulations may not conflict with or impose requirements inconsistent with state law. Furthermore, the City may not require such businesses to submit to municipal health inspections unless the City has entered into a collaborative agreement with DSHS pursuant to applicable state law.

The purpose of this chapter is to safeguard public health and provide consumers with food that is safe, unadulterated, and honestly presented. The rules in this chapter are based in part upon Code of Federal Regulations, Title 2, Food and Drugs, Parts 1—1499 and implement Health and

Safety Code, Chapter 437, Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Vendors.

Summary of changes:

Subchapter A: New definitions.

Subchapter B: All must complete food handlers training.

Subchapter C: Clarification on temperature changes in cold foods up to 70 degrees Fahrenheit.

Subchapter D: Sanitation of equipment, utensils, linens (tableware must be changed between customers or washed, sanitized).

Subchapter E: Addresses water, plumbing, and waste for mobile vendors prohibiting use of showers as a service sink.

Subchapter F: Requires establishments to have anti-slip floor covering.

Subchapter G: Allows the use of chemicals for sanitizing fresh fruits and vegetables and requires establishments to have first aid supplies.

Subchapter H: All establishments, including mobile food vendors, must have a certified food handler on site.

Subchapter I: Compliance of temporary food establishment and safe water systems. (Ord. No. 2015-O-166, § 1, 12-7-15)

Sec. 13-2. State law regarding ice adopted by reference.

The provisions of Vernon's Ann. Civ. St. art. 4477—1, § 9, relating to the preparation and sale of ice is hereby adopted by reference as an ordinance of the city.

Sec. 13-3. Selling unwholesome food.

Any person in the city who shall knowingly sell or offer for sale the flesh of any animal dying otherwise than by slaughter or the flesh of any animal which was diseased when slaughtered, or shall sell or offer for sale any kind of corrupted, diseased or unwholesome substance, whether food or drink, for human consumption, shall be deemed guilty of a misdemeanor.

(Ord. of 10-13-1883, § 1)

Secs. 13-4—13-20. Reserved.

ARTICLE II. FOOD PRODUCTS ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 13-21. Definitions.

As used in this article, the following terms shall have the indicated meanings:

Food establishment rules mean Title 25 of the Texas Administrative Code, Part 1, Chapter 228 (Texas Food Establishment Rules).

Food products shall mean or include any substance, whether solid or liquid and whether of animal or vegetable origin, intended to be used or commonly used as food or drink for human beings or for human consumption.

Food products establishment shall mean and include any place or establishment occupied, used or maintained for the purpose of selling, offering for sale, exposing for sale, or keeping with the intention of selling, or manufacturing for sale, any food product, such as meat markets, butcher

shops, fish markets, bakeries, confectioneries, ice cream factories, places for handling, preparation for sale of dairy products or canned or prepared foodstuffs; hotels, restaurants, grocery stores, food trucks, fruit markets, vegetable markets, vegetable and fruit vendors peddling mobile cart ~~[by wagon]~~ or otherwise, soda fountains, bottling works, vinegar or pickle factories, and all similar businesses handling or having to do with foodstuffs, and shall include every room used for the purpose of any such business in the keeping, storing, manufacturing, preparing, handling, distributing, selling, serving or offering for sale of any food products as herein defined, whether raw, cooked or otherwise prepared, or any liquid intended as a food or drink for human beings, and all places and premises connected with any such room and rooms. The term shall include an operation that stores, prepares, packages, serves, or otherwise provides food for human consumption.

~~[Food trucks shall mean a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable and used to store, prepare, display, serve or sell food.]~~

~~[Food truck court shall mean a designated area on private property for two (2) or more food trucks.]~~

(Ord. of 7-16-18, § 1; Ord. of 4-22-80, § 1; Ord. No. 2002-O-148, § 1, 7-15-02; Ord. No. 2019-O-162, § 1, 10-7-19)

Cross reference(s)—Rules of construction and definitions generally, § 1-2.

Sec. 13-22. Screening.

(a) Required. No person shall establish, maintain or operate within the city any food products establishment, as defined in this article, without first having the place of business thoroughly screened and kept free at all times from flies and other pests.

(b) Exception. Outdoor or open-air serving areas directly connected to a restaurant's enclosed room or rooms are exempted from the screening requirement provided that the restaurant's open-air or outdoor serving is approved by the public health department in writing on the restaurant's ~~city food license~~. Food Establishment Permit.

(Ord. of 7-16-18, § 2; Ord. of 3-18-19; Ord. of 4-22-80, § 2; Ord. No. 89-50, § 1, 3-20-89)

Sec. 13-23. Penalty for violation of article.

Every person violating the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be fined not less than three hundred dollars (\$300.00) and each day such food products establishment shall be conducted without a license shall be a separate offense.

(Ord. of 4-22-80, § 9; Ord. No. 2009-O-061, § 1, 4-20-09)

~~[Sec. 13-24. Food truck regulations.~~

~~(a) — Food trucks shall comply with all regulations that pertain to mobile food units as set forth in the food establishment rules.~~

~~(b) — It shall be unlawful to operate a food truck without (1) a license from the health department issued in accordance with Chapter 13, Division 2; (2) a certificate of occupancy from the building department; and (3) a permit from the fire department. These shall be displayed in a visible location in or on the food truck.~~

- ~~(c) — Food choices for food trucks shall be limited to those that can be served or prepared in compliance with the food establishment rules adopted by the city.~~
- ~~(d) — Food trucks operating on private property shall provide the city a copy of written permission from the property owner to allow the operation of the food truck. A copy of the owner's written permission to operate in a specific location signed by the owner shall be kept within the food truck at all times.~~
- ~~(e) — Food trucks shall not locate on right of way without prior approval from the traffic and police departments.~~
- ~~(f) — Food trucks may operate at designated areas within certain parks and recreation centers and parks pursuant to a written agreement with the parks and recreation department.~~
- ~~(g) — If providing on-site sit-down eating, the food truck shall provide a copy of written consent from the owner of a business within twenty (20) feet of the food truck allowing employees and customers of the food truck to use flushable restrooms, or shall provide mobile restroom facilities as approved by the health department.~~
- ~~(h) — Food trucks shall be equipped with a portable trash receptacle placed near the unit for customer use, and shall be responsible for proper disposal of solid waste.~~
- ~~(i) — Food truck must be a self-contained truck, in good mechanical conditions and presentation, with current registration and license plates.~~
- ~~(j) — Food trucks courts shall comply with all applicable building, zoning, and fire department requirements.~~
- ~~(k) — Food trucks shall have wheel chocks and be at least ten (10) feet from parked vehicles, food trucks, and any other structures.~~
- ~~(l) — Electrical, mechanical and plumbing must be up to current code and inspected. Food trucks shall have the following:~~
- ~~(1) — Proper grease trap;~~
- ~~(2) — Main shutoff valve;~~
- ~~(3) — Proper exhaust;~~
- ~~(4) — GFI in all electrical outlets;~~
- ~~(5) — Three (3) compartment sink with hot and cold water;~~
- ~~(6) — Proper gas hook ups;~~
- ~~(7) — Range hood must provide proper ventilation.~~
- ~~(m) — Food trucks shall comply with the latest adopted edition of the International Fire Code.~~
- ~~(n) — Fire extinguishers are required in food trucks and shall be installed and maintained as follows:~~
- ~~(1) — All food trucks shall have at minimum one (2A10BC) portable fire extinguisher mounted in a conspicuous place within the kitchen area.~~
- ~~(2) — For food trucks with a portable generator the size of fire extinguisher shall be increased to a (4A80BC) portable fire extinguisher.~~
- ~~(3) — In addition to any other required fire extinguisher, all food truck vendors who deep fry shall have a class K portable fire extinguisher.~~
- ~~(4) — All portable fire extinguishers shall be serviced, inspected, and tagged annually by a licensed fire extinguisher company.~~
- ~~(o) — Use of liquefied petroleum gas (LPG). Usage shall comply with the following:~~
- ~~(1) — All LPG containers shall be limited to sixty (60) pounds gas capacity. Two (2) 30-lb containers may be manifold when equipment is approved in advance.~~

- (2) — When the project requires a greater amount of LPG for a specific appliance, a maximum of one (1) 100-pound cylinder may be used when approved in advance.
- (3) — LPG containers shall be located and secured on the exterior of the food truck, open to atmosphere or if containers are kept in compartment, said compartment must be separate from the interior food preparation area.
- (4) — Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.
- (p) — All food trucks with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four-inch lettering. Hoses used to pipe LPG to a device shall be listed by UL, FM, or other approved agency and listed specifically for LPG service. All couplings, fittings, and any other devices shall meet the requirements for LPG Service as outlined in the International Fuel Gas Code, NFPA 58 and 54, or be deemed unapproved and removed from service. LPG tanks shall be located outside the food truck a minimum of five (5) feet from the primary means of egress.
- (q) — Baffles and hoods. All deep fat fryers shall have a steel baffle between the fryer and surface flames of an adjacent appliance or shall maintain a 16-inch separation distance. The baffle, if installed, shall be eight (8) inches in height above the highest appliance. All of the cooking appliances producing grease-laden vapors must be under a type 2 hood. No part of the appliance can extend beyond the outer lip of the hood.
- (r) — Emergency egress. Emergency egress shall comply with the following:
- (1) — Food trucks shall have a clear, unobstructed height over the aisle-way portion of the unit of at least seventy-four (74) inches from floor to ceiling, and a minimum of thirty (30) inches of unobstructed horizontal aisle space.
- (2) — Should travel distance from any portion of the interior exceed sixteen (16) feet, the food truck shall have a minimum of two (2) exits located remote from each other and so arranged as to provide a means of unobstructed travel to the outside of the vehicle.
- (3) — A secondary means of egress shall be located remote of the main exit door.
- (4) — The latch mechanism of any exit facility shall be operable by hand, and shall not require the use of a key or special knowledge for operation from the inside. The secondary exit shall be labeled with the word "EXIT" with four-inch minimum letters on contrasting background.
- (s) — Extension cords. Extension cords and cables shall be of a grounded type and approved for outdoor use. Extension cords shall not be frayed, worn, or in pedestrian traffic areas unless they are secured.
- (t) — Generators. All generators shall be located away from the public and public pathways with a barrier installed around every generator so as to prevent persons from tampering with electrical cords, and prevent persons from coming in contact with hot equipment. Refueling of generators shall be performed in an approved location not less than twenty (20) feet from the food truck. Fuel shall be stored in a UL or FM-approved flammable liquid safety container in an approved location. Generators shall be grounded in an approved method. Generators shall not be refueled in areas occupied by the public.
- (u) — It shall be the responsibility of the food truck permit holder and/or the operator to ensure compliance with this section.]

(Ord. No. 2019-O-162, § 1, 10-7-19)

Secs. 13-25—13-33. Reserved.

DIVISION 2. LICENSE

Sec. 13-34. Required.

No person shall hereafter establish, maintain or operate within the city any food products establishment, as defined in this article, without first having obtained a license, therefore.

No person may establish, operate, or maintain a food products establishment within the City, without first obtaining a Retail Food Operation Permit from the public health department as required by this article, unless the establishment holds a permit issued by the Texas Department of State Health Services or is licensed as a food manufacturer, to which this article does not apply.

(Ord. of 7-16-18, § 2; Ord. of 3-18-19; Ord. of 4-22-80, § 2)

Sec. 13-35. Application.

(a) Every person, firm, or corporation desiring to establish, maintain or operate a food products establishment shall make a written application for a license. The application shall contain the name(s) and residence(s) of the applicant or applicants depending upon whether the application is for a sole individual, ~~[for all members of an]~~ association or partnership, ~~[or for the directors]~~ and officers of a corporation, as well as the location and description of the premises where the food products establishment is to be operated. The application shall be filed with the ~~[Health Department]~~ public health department.

(b) A person, firm or corporation desiring to obtain a food truck license shall ~~[also provide the following information as part of the application on a form provided by the director:]~~ apply with the Texas Department of State and Health Services (DSHS) (SB 2844).

~~[(1) A description of the vehicle to be used along with registration and vehicle identification number;~~

~~(2) Addresses where the food truck will operate;~~

~~(3) A listing of all the food items to be sold;~~

~~(4) Address of approved commissary location (central preparation facility) or other service support facility;~~

~~(5) Written statement from owner of central preparation facility stating the food truck uses the facility as its base of operation;~~

~~(6) If operating on private property, written permission from the property owner to allow the operation of the food truck;~~

~~(7) If at one (1) location for more than two (2) hours, written consent from a business within one hundred fifty (150) feet of the food truck allowing employees of the food truck to use flushable restrooms (or other facilities as approved by the health department);~~

~~(8) Verification of a current, valid food manager's certification;~~

~~(9) Proof of servicing area for grease, waste water and waste disposal (plan and/or agreement with private company or with the commissary), for vehicle and equipment cleaning, refilling of water tanks, ice and boarding food;~~

~~(10) Location of wastewater disposal;~~

~~(11) Proof of sales and use tax permit;~~

~~(12) Valid driver's license, liability insurance, and proof of criminal background check; and~~

(13) — ~~Any other information reasonably required by the director.]~~

(Ord. of 7-16-18, § 3; Ord. of 4-22-80, § 3; Ord. No. 86-159, § I, 9-3-86; Ord. No. 2019-O-162, § 1, 10-7-19)

Sec. 13-36. Investigation of application; recommendation as to issuance or denial.

After submission of the application for a license required by this Department, it shall be the duty of the director of the ~~[Health]~~ public health department to make or cause to be made an investigation of the premises, equipment and appliances to be used in connection with the food products establishment for the purpose of determining the fitness and suitability of such premises for a food products establishment from a sanitary standpoint; and when such inspection shall have been completed, the director of the ~~[Health Department]~~ public health department shall determine whether or not the license shall be issued pursuant to section 13-37.

(Ord. of 7-16-18, § 3; Ord. of 4-22-80, § 3; Ord. No. 86-159, § II, 9-3-86)

Sec. 13-37. Issuance.

If the director of the ~~[Health Department]~~ public health department or their duly authorized representative is satisfied that the premises upon which a food products establishment is to be located, and the equipment and appliances to be used in the operation of the establishment are suitable from a sanitary standpoint, and the owners and/or applicants named in the application meet all requirements of the laws of the state and of the ordinances of the City relating to the conduct and operation of the business named in such application, he shall issue or cause to be issued a license in accordance with such application, upon receipt of the required license fee.

(Ord. of 7-16-18, § 3; Ord. of 4-22-80, § 3; Ord. No. 86-159, § III, 9-3-86)

Sec. 13-38. Appeal from denial.

If the director of the ~~[Health]~~ public health department should decline to issue a license on any application made in accordance with the provisions of this division, such applicant may, if he so desires, appeal to the city council, whereupon it shall be the duty of the director of the ~~[Health Department]~~ public health department to refer such application and all papers filed in connection therewith, together with a statement giving the reasons for his action thereon, to the city council, who shall finally consider and pass upon such application; and should the city council be satisfied that the applicant is entitled to the license under this division, they shall return the application to the ~~[D]~~director of the ~~[Health Department]~~ public health department, whereupon the license will be issued as provided in this division.

(Ord. of 7-16-18, § 3; Ord. of 4-22-80, § 3; Ord. No. 86-159, § IV, 9-3-86)

Sec. 13-39. Fees.

(a) ~~[The annual license fees to cover the cost of inspection of food products establishments shall be collected by the health department and shall be graded in accordance with the volume of business transacted, to be determined by the number of persons employed in connection with such business, including the applicant for such license, if the applicant's services are devoted to such business, and shall be paid in advance of the issuance of such license as follows for each establishment employing:~~

~~(1) — One (1) to six (6) persons, one hundred fifty dollars (\$150.00).~~

~~(2) — Seven (7) to ten (10) persons, four hundred dollars (\$400.00).~~

- ~~(3) — Eleven (11) to thirty (30) persons, six hundred fifty dollars (\$650.00).
(4) — Thirty one (31) or more persons, eight hundred dollars (\$800.00).]~~

The annual license fees for food establishments shall be collected by Public Health and used to cover the cost of inspections. In compliance with Texas Health and Safety Code, fees shall be based on the gross annual volume of food sales for each establishment. These fees must be paid in full prior to the issuance or renewal of a license.

The fee schedule is as follows:

- Gross Annual Food Sales: \$0 – \$49,999
License Fee: [not to exceed half of DSHS's current fee of \$129]
- Gross Annual Food Sales: \$50,000 – \$149,999
License Fee: [not to exceed half of DSHS's current fee of max = \$257.50]
- Gross Annual Food Sales: \$150,000 or more
License Fee: [not to exceed half of DSHS's current fee of max = \$386.50]

The public health department reserves the right to request documentation verifying gross food sales to determine appropriate fee levels.

- ~~(b) [An additional annual license fee of two hundred dollars (\$200.00) shall be charged to any food products establishment which is a meat market or a fish market to cover the additional cost of inspection thereof.~~
- ~~(c) — A fee of one hundred dollars (\$100.00) shall be charged to any new food products establishment upon application for a new food products establishment.~~
- ~~(d) — A fee of one hundred dollars (\$100.00) shall be charged for a food products establishment requesting an inspection, including request for inspection of beer and wine permit applications, warehouse food storage facilities, and other similar food products establishments requesting inspection services.~~
- ~~(e) — A late fee of fifty dollars (\$50.00) shall be charged to a food products establishment that pays for a city food license later than thirty (30) days of permit expiration and or invoice date.]~~

A late fee of one hundred dollars (\$100.00) shall be assessed for any renewal application submitted after the license expiration date.

~~[(f) — An inspection fee of one hundred dollars (\$100.00) shall be charged to a, foster homes, registered family homes, group day homes and other similar food products establishments, and those food product — establishments that require more than one (1) customary follow up inspection for the resolution of public health violations in the food products establishment.]~~

(c) A Public Health Safety fee of one hundred fifty dollars (\$150.00) shall be assessed to foster homes, registered family homes, daycare, adult daycares, game rooms, and department stores to provide and ensure a safe and sanitary environment. Provided such fees reflect the cost of conducting inspections.

~~(g) — Temporary food establishments shall be charged thirty five dollars (\$35.00) for a one-day event, and a fee of fifteen dollars (\$15.00) for each additional day for a city food permit.~~

~~Food establishments and vendors that do not pay in time for the one day event and are found selling food products will incur an additional late fee of fifty dollars (\$50.00).~~

(d) Temporary food establishments permit shall be charged fifty-two dollars (\$52.00) per individual food booth/unit. The permit is valid for fourteen (14) consecutive days from the initial effective date.

~~[(h) — A fee of fifty dollars (\$50.00) shall be charged to seasonal fruit stands for a six (6) month city food permit.~~

~~[(i)]~~

~~(e) — A fee of twenty dollars (\$20.00) shall be charged for replacement of a city food license.~~

Food Establishment Permit

~~(f) — Government funded schools, jails, and/or facilities shall be charged one-hundred fifty dollars (\$150.00) per inspection.~~

~~[(j)]~~

~~(f) — A fee of three hundred dollars (\$300.00) shall be charged per food truck by the public health department annually (fee covers all special events) for a city food license.~~

(1) A seventy-five dollar (\$75.00) fee for the fire inspection permit annually

(2) A fifty dollar (\$50.00) inspection fee from the building department annually.

(3) If applicable, a fifty dollar (\$50.00) parks and recreation department permit fee annually (fee covers all special events).

~~(k) — Food trucks in food truck courts shall pay an inspection fee of two hundred and fifty dollars (\$250.00) annually to the health department.~~

(Ord. of 7-16-18, § 5; Ord. of 6-21-78, § 1; Ord. of 4-22-80, § 5; Ord. of 4-21-81, § 1; Ord. No. 86-159, § V, 9-3-86; Ord. No. 86-160, § I, 9-15-86; Ord. No. 89-199, § 1, 10-2-89; Ord. No. 2002-O-149, § 1, 7-15-02; Ord. No. 2003-O-038, § 1, 2-18-03; Ord. No. 2009-O-061, § 1, 4-20-09; Ord. No. 2012-O-144, 9-17-12; Ord. No. 2019-O-162, § 1, 10-7-19; Ord. No. 2022-O-148, § 1, 9-6-22)

Sec. 13-40. Scope; term; pro rata fees.

(a) The license required by the terms of this division shall be issued under the corporate seal of the city, signed by the director of the public health department, and shall authorize the person, firm or corporation therein named to establish, maintain and operate a food products establishment as defined in this article, at the place designated in such license provided that all operating restrictions as specified by the director of the public health department are observed.

(b) Such annual license shall expire on the fifteenth day of August following the date of its issuance and may be issued for an unexpired portion of any license year upon the payment in advance to the public health department of the pro rata part of the annual license fee; provided, such applicant shall furnish proof to the director of the public health department that he was not liable for a license fee and did not maintain or operate a food products establishment without a license prior to the date fixed in his application; and provided, further, that in no event shall the license fee for an unexpired portion of the current license year be less than one-half of the annual fee.

(Ord. of 7-16-18, § 4; Ord. of 4-22-80, § 4; Ord. No. 86-159, § VI, 9-3-86)

Sec. 13-41. Disposition of fees.

All fees derived from the licenses issued under the provisions of this division shall go into the city's general fund.

(Ord. of 7-16-18, § 8; Ord. of 4-22-80, § 8)

Sec. 13-42. Posting is required.

Every person licensed in accordance with the provisions of this division shall immediately post such license or cause the same to be posted in a conspicuous place within the premises where such food products establishment is thereby authorized to be established, maintained or operated.

(Ord. of 7-16-18, § 6; Ord. of 4-22-80, § 6)

Sec. 13-43. Revocation.

The director of the public health department shall revoke any license under terms of this division whenever it shall appear to his satisfaction that the licensee has violated the provisions of the laws of the state or any ordinances relating to or regulating the carrying on or conduct of the business specified in such license; provided that the holder of any such license may, at his request, have the matter referred to the city council for final determination.

(Ord. of 7-16-18, § 7; Ord. of 4-22-80, § 7; Ord. No. 86-159, § VII, 9-3-86)

Secs. 13-44—13-55. Reserved.

DIVISION 3. EMPLOYEES

Sec. 13-56. Food handler's certificates; public health sanitation training for employees.

(a) It shall be unlawful for any person operating a food establishment to employ any person in such food establishment within the city limits unless such person seeking employment in a food establishment shall have first obtained a valid food handler's certificate duly issued by the director of the public health department pursuant to the requirements of this section.

(b) Any owner, manager or any person in charge with care, custody and control of any food establishment shall certify, upon a proper form furnished by the public health department, that all employees working for such food establishment shall be provided with food service public health sanitation training pursuant to all public health ordinances, rules and regulations of the city during the first two (2) weeks of employment.

(c) If the director of the public health department or authorized representative of the public health department shall determine that employees of any food establishment are not performing their duties in a hygienic manner, the director or authorized representative may require the food establishment to have all employees repeat training in food hygiene through a food service public health sanitation training conducted by the public health department at a time and place prescribed by the public health department.

(Ord. of 12-16-24, § 1; Ord. No. 84-136, § 2, 9-18-84; Ord. No. 2009-O-047, § 1, 4-6-09)

Sec. 13-57. Inspections.

It shall be the duty of the director of the public health department or his authorized representatives to inspect all food products establishments on a periodic basis or as often as the director or his agents may deem necessary.

(Ord. of 12-16-24, § 2; Ord. of 5-1-34, § 1; Ord. No. 84-136, § 2, 9-18-84)

Sec. 13-58. Issuance of food handler's certificates.

(a) Any person required by this chapter to obtain a food handler's certificate must successfully complete an approved public health department food service public health sanitation training course before a food handler's certificate is issued.

(b) In the event that the public health department's food service public health sanitation training has been successfully completed, a food handler's certificate shall forthwith be duly issued to such qualified person for an effective period of two (2) years from the issuance date.

(c) The director of the public health department or his authorized representative is hereby authorized to adopt a standard form or forms for the issuance of food handler's certificates and such other record-keeping methods as will best benefit the general public and the public health department.

(d) It shall be the duty of all food handler's certificate holder to cause such certificates to be registered and properly filed at the public health department. It shall be the duty of the public health department to organize, establish and provide a permanent record of all certificates issued. Such records shall contain the name of the certificate holder, the date of issuance of the certificate, and such other data as the director of the public health department may deem proper.

(e) The public health department shall collect a fee of twenty-five dollars (\$25.00) for the issuance of a food handler's certificate for the administration of the public health department's food service public health sanitation training and for partially defraying the cost thereof. The public health department shall collect a fee of five dollars (\$5.00) for the issuance of duplicate food handler's certificate.

(f) The public health department shall collect a fee of two hundred fifty dollars (\$250.00) per site for providing on-site food service public health sanitation training, issuance of a food handler's certificate for the food service public health sanitation training, processing of food handler applications, and maintenance of food handler records.

(Ord. of 12-16-24, § 3; Ord. of 5-1-34, § 1; Ord. No. 84-136, § 2, 9-18-84; Ord. No. 86-159, § VIII, 9-3-86; Ord. No. 89-199, § 2, 10-2-89; Ord. No. 90-178, § 1, 11-19-90; Ord. No. 2002-O-154, § 1, 7-15-02; Ord. No. 2006-O-237, § 1, 9-18-06; Ord. No. 2009-O-047, § 1, 4-6-09; Ord. No. 2019-O-162, § 1, 10-7-19)

Sec. 13-59. Disease prevention.

(a) It shall be unlawful for any person operating a food products establishment to employ or cause to be employed in such food establishment any person who does not hold a valid food handler's certificate duly issued by the appropriate city health officer.

(b) Failure to discharge or suspend any employee whose food handler's certificate has been canceled by the appropriate public health officer shall be sufficient cause for revocation of the city food license of the food products establishment.

(c) In the event the public health department should have reasonable grounds to believe and does believe that a food service establishment may be transmitting disease through an employee or employees, it shall be the duty of the public health department to compile, obtain and procure a morbidity history or histories of such suspected employee or employees or cause an investigation or any other appropriate action to be made. The public health department may further impose any or all but not limited to the following conditions:

- (1) The immediate exclusion of the employee from all food service establishments;
 - (2) The immediate closing of the food service establishment in question until in the opinion of the public health department no further danger of disease outbreak exists;
 - (3) Restriction of the employee's service to some area of the establishment where there is no danger of transmitting disease;
 - (4) Adequate medical and laboratory examination of such employee or employees.
- (Ord. of 12-16-24, § 4; Ord. No. 84-136, § 2, 9-18-84)

Secs. 13-60—13-70. Reserved.

ARTICLE III. MEAT AND POULTRY

Sec. 13-71. Adoption of rules and regulations of director of Public Health.

The rules and regulations and standards for the inspection of meat, meat products, and meat food products, promulgated by the director of health of the state, under authority of Vernon's Ann. Civ. St. art. 4418d, as approved by the state department of health as authorized by Vernon's Ann. Civ. St. art. 4476—3, dated April, 1959, as amended by amendments dated December 14, 1959, are hereby adopted and made a part of this section as if set forth in full herein, and the provisions, standards, rules and regulations contained therein are made mandatory requirements for the inspection and labeling of meat and meat food products produced, sold or offered for sale within the limits of the city with the "Texas State Approved Meat for Human Food" label thereon. Any establishment desiring to sell or offer for sale meat, meat products and meat food products in the city containing thereon the "Texas State Approved Meat for Human Food" label on such meat, meat products and meat food products shall be governed by the specifications and regulations promulgated by the director of health as approved by the state department of health adopted herein, and all requirements specified therein shall be complied with.

(Ord. of 1-2-23, § 16A; Ord. of 8-6-83, § 1)

Sec. 13-72. Only approved meat acceptable for sale.

Only meats, meat products and meat food products bearing the inspection mark, stamp, tag, or label of the United States Department of Agriculture, the state department of Health and Services, or any municipality bearing Texas State Approved legend, or the city shall be acceptable for sale in the city.

(Ord. of 1-2-23, § 16B; Ord. of 8-6-63, § 1)

Sec. 13-73. Plants to pay for costs of inspection.

Any plant within the city desiring to secure and qualify for the Texas State Approved legend shall pay for all necessary cost incurred in securing and maintaining such legend, including, but not by way of limitation, any inspection fees and costs of administration, and the salary of any inspector required to be present at the plant under the provisions of the state meat inspection law.

(Ord. of 1-2-23, § 16C; Ord. of 8-6-63, § 1)

ARTICLE IV. PERMITTING OF FOOD SERVICE OPERATOR

Sec. 13-74. Definitions.

As used in this article, the following words shall have the meaning herein ascribed to them:
Food shall mean any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, in whole or part, for human consumption.

Food products establishment shall mean any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on, or off premises and regardless of whether there is a charge for the food. The term also includes mobile vendors, lunch stands and delicatessen type operations that prepare food intended for individual portion service. The term does not include the location of food vending machines and supply vehicles.

Food service operator shall mean individuals having supervisory or management responsibilities, as well as any other person working in a food products establishment who may be the person in charge of the food preparation or service.

Food service operator permit document granting holder permission to engage in food service operations in a supervisory capacity.

Public Health director shall mean the person designated as being Director of the Public Health Department of the City of Laredo or authorized representative(s), who are empowered to enforce the provision of this article.

Potentially hazardous food shall mean any food that consists in whole, or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.5 or below or water activity (Aw) value of 0.85 or less. Repeated violations shall mean violations that are not corrected within a time specified and continue to exist.

Serious violations shall mean violations where imminent health hazard(s) exists, such as lack of sanitation, refrigeration, or sewage backup into the establishment.

Temporary food operations shall mean a food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-75. Food service operator training program.

The city, by and through its public health director will institute a training program for food service operators, in order to train persons at the managerial or supervisory level in the food service industry in the city, in safe food handling practices. Such training program shall consist of not less than fifteen (15) classroom hours which shall be accredited by the state department of public health under the provisions of applicable state law. Persons may obtain the required course of training from either commercial or public educational institutions. However, a food service operator permits shall only be granted to a person who meets all course requirements and who demonstrates his acquisition of the required, essential knowledge by achieving a minimal score of seventy-five (75) percent on the written examination.

A graduate of an institution of higher education who has a bachelor or master degree and is registered or licensed as a dietician may be issued a permit without being required to take the food service operators training program or examination. The permit will be issued upon presenting satisfactory proof of graduation and license or registration as a dietician.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-76. Food service operator permit required.

Effective January 1, 1993, a food products establishment shall have at least one person on duty during each shift of twelve (12) or fewer hours who has a valid and current food service operator permit issued by the public health director.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-77. Exemptions from food service operator permit requirements.

Food service operator permit will not be required for operators of:

- (1) A food products establishment that does not prepare food on site and only sells or distributes prepacked foods; or
- (2) Temporary food service establishments, as defined herein; or
- (3) Wholesale food products establishments; or
- (4) Mobile food vending units not supplying potentially hazardous food or persons supplying only raw unprocessed produce, raspa or prepacked ice cream vendors.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-78. Terms of permit.

(a) The public health director or his authorized representatives shall issue a food service operator permit to any person who submits the required application, pays to the city the fee as required in section 13-81(a) of this article, and has:

- (1) Completes an accredited food service operator educational program, meeting the standards of this article and who achieved a minimum score of seventy-five (75) percent on the written examination; or
- (2) Provides evidence, acceptable to the public health director of satisfactory completion of an accredited food service operator educational program within the past three (3) years; or
- (3) Provides evidence, acceptable to the public health director of satisfactory proof of graduation and license or registration as a dietician.

(b) A food service operator permit shall be in the form of a wallet sized, identification card and shall include:

- (1) The applicant's full name and address;
- (2) Height, sex and age;
- (3) The signature of the person certified;
- (4) The signature of the public health director;
- (5) The date issued and expiration date; and
- (6) A photograph of the person permitted.

(c) Food service operator permits shall be immediately available for examination when requested by the public health director or his authorized representatives.

(d) Food service operator permits shall be valid for a period from date of issuance until the end of a three-year period following successful completion of an accredited food service operators' educational program.

(e) The public health director or his authorized representative are empowered to enforce the provisions of this article by citation and in addition may deny an application for a food service

operator permit if the applicant knowingly makes any false, fraudulent, or unlawful statement(s) on the application. Any permit obtained by falsification of information shall be void.
(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-79. Renewal by reissuance of food service operator permit.

A food service operator permit may be renewed by reissuance if the holder provides evidence, acceptable to the public health director, of completion of a course of study and examination that meets the requirements of this article.
(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-80. Denial of permit or renewal; suspension or revocation of permit.

- (a) The public health director may refuse to issue or renew a food service operator permit or may suspend or revoke a food service operator permit if the applicant or holder;
 - (1) Refuses to permit entry into the food products establishment by the public health director or his authorized representatives or otherwise willfully obstructs the inspection of the food products establishment; or
 - (2) If there are repeated or a serious violation(s) of any city ordinance in the food products establishment at times when the permitted food service operator is on duty.
- (b) At time of suspension of a food service operator permit, the public health director shall notify the permitted food service operator, in writing, of the reason(s) for which the permit is being suspended, and the date of such suspension. The food service operator permit shall then be revoked unless within ten (10) days following notice of suspension, the food service operator files a written request for a hearing with the public health director. If no request for hearing is filed within the specified period, suspension and revocation of permit shall become final.
- (c) An individual whose food service operator permit has been suspended or revoked shall not have it reinstated, or granted a new permit, until the operator rectifies all reason(s) for said suspension or revocation, which actions may include, but are not limited to, requiring an individual to take and pass a food service operator certification course that meets the requirements of this article.

Sec. 13-81. Fees.

- (a) Food service operator permit application fee is hereby set at thirty dollars (\$30.00). Such fee shall be required to be made payable to the City of Laredo at the offices of the Laredo Public Health Department at 2600 Cedar Avenue, or renewal.
- (b) A current valid food service operator permit may be replaced by the public health director or his authorized representative(s) in accordance with section 13-81(a), above, for a fee of ten dollars (\$10.00).
(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92; Ord. No. 2002-O-150, § 1, 7-15-02)

Sec. 13-82. Penalty for violation.

Any person who violates a provision of this article or any person who is the holder of a food service operator permit who does not comply with the requirements of this article, shall upon conviction by the municipal court of the city be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense, and each day of violation of said article shall constitute a separate offense.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Sec. 13-83. Injunctive relief.

In the addition to and cumulative of all other penalties, the *public* health director shall have the right to seek injunctive relief, for any and or all violations of this article.

(Ord. No. 92-116, 6-1-92; Ord. No. 92-258, 12-12-92)

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4: The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

Section 5: That after its passage by City Council, this Ordinance shall be published one (1) time and become effective not less than sixty (60) days from the date of the public hearing on this Ordinance, in accordance with the City Charter.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____, 2025.**