

ORDINANCE NO. 16-01-21-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS AMENDING ARTICLE 4.500, FOOD SAFETY REGULATIONS, TO INCORPORATE AMENDMENTS TO SECTIONS OF THE TEXAS ADMINISTRATIVE CODE REGULATING FOOD ESTABLISHMENTS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas (herein the "City"), home rule municipality, regulates food establishments; and

WHEREAS, the City desires to update its food safety regulations to incorporate changes in the state's administrative code governing food establishments; and

WHEREAS, the City Council finds that the regulations adopted herein are reasonable and necessary for the protection of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings. All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied herein in their entirety.

Section 2. Updated Food Safety Regulations Adopted. Section 4.501 of the Lago Vista Code of Ordinances (the "Code") is hereby amended in its entirety to read as follows:

The regulations set forth in 25 Texas Administrative Code, Part 1, Chapter 228, (the "Texas Retail Food Rules"), as amended from time to time, are hereby adopted as regulations of the city to govern food establishments, to safeguard public health, and to ensure that consumers are provided food that is safe, unadulterated, and honestly presented; and each and all of the "Texas Retail Food Rules" are hereby referred to, adopted and made a part of this section as if fully set out herein, except as amended by this Article.

Section 3. Definitions. Section 4.502 of the Code is hereby amended in its entirety to read as follows:

Food Establishment. Shall have the meaning set forth in 25 Texas Administrative Code, Part 1, Chapter 228, Section 228.2(57), except that, as used herein, food establishments shall include a food processing plant.

Food Processing Plant. A commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer, and a food establishment as defined above.

State Rules. The regulations found in 25 Texas Administrative Code, Part 1, Chapter 228, as amended from time to time. These rules are also known as "The

Texas Retail Food Rules.”

Section 4. Savings Clause. All rights and remedies of the City of Lago Vista are expressly saved as to any and all violations of the provisions of any ordinances affecting food establishments within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

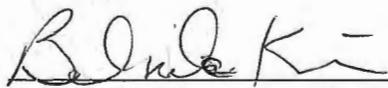
Section 5. Conflicting Ordinances. All prior ordinances of the City dealing with or applicable to penalties for violation of any food establishment regulations of this code are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

PASSED AND APPROVED on this 21st day of January, 2016.

ATTEST:



Belinda Kneblick, Asst. City Secretary

CITY OF LAGO VISTA, TEXAS



Dale Mitchell, Mayor