

**ORDINANCE NO. 011311**  
*(Public Health – Food Establishments)*

**AN ORDINANCE OF THE CITY OF ALVORD, TEXAS, REGARDING THE DISCHARGE OF RESIDENTIAL AND COMMERCIAL INDUSTRIAL WASTE INTO THE SANITARY SEWERS OF THE CITY OF ALVORD, TEXAS, CONFIRMING AND RATIFYING ORDINANCE NO. 42 OF THE CITY OF ALVORD, TEXAS, WITH THE EXCEPTIONS AND MODIFICATIONS NOTED IN THIS ORDINANCE; ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES, THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FOOD ESTABLISHMENTS GROUP, 25 TEXAS ADMINISTRATIVE CODE, CHAPTER 229, SECTIONS 161-171 AND 173-175, AS AMENDED, REQUIRING, AMONG OTHER REGULATIONS, GREASE TRAPS TO BE INSTALLED AT LOCATIONS AS REQUIRED BY THIS ORDINANCE; PROVIDING FOR THE ESTABLISHMENT AND COLLECTION OF FEES; PROVIDING MANAGEMENT AND PERSONNEL DUTIES; PROVIDING FOR WATER, PLUMBING, AND WASTE REQUIREMENTS; PROVIDING FOR COMPLIANCE, ENFORCEMENT, AND INTERPRETATION; PROVIDING FOR SUSPENSION OF PERMIT; PROVIDING FOR REVOCATION OF PERMIT; PROVIDING FOR AN ADMINISTRATIVE PROCESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the city of Alvord, Wise County, Texas (City Council) has determined that the City of Alvord should amend its ordinances and regulations with respect to the sanitary sewer system of the City of Alvord; and

**WHEREAS**, the City Council has determined it would be advantageous and beneficial to the citizens of the City of Alvord to adopt the provisions set forth in the Texas Food Establishment Rules adopted by the Texas Department of State Health Services, Food Establishments Group, 25 Texas Administrative Code, Chapter 229, Sections 161-171 and 173-175, adopted and incorporated by reference herein, subject to the provisions and/or additional restrictions as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVORD, WISE COUNTY, TEXAS, AS FOLLOWS:**

**SECTION 1.        FINDINGS INCORPORATED:** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.            PURPOSE:** The purpose of these rules is to safeguard the public health, safety, and welfare of persons within Alvord, Texas.

**SECTION 3.            RATIFICATION OF ORDINANCE NO. 42 REGARDING THE DISCHARGE OF INDUSTRIAL WASTE INTO THE SANITARY SEWERS OF THE CITY OF ALVORD:** The City Council does hereby adopt, ratify, and confirm the terms and conditions of Ordinance No. 42, and incorporates it within this Ordinance, save and except the provisions set forth below which are either repealed, or modified, as indicated:

- A. Section 17, Schedule of Charges. The sewer rates stated in Section 17 of Ordinance No. 42 are repealed, and replaced with the sewer rates as adopted by the City Council, or as set forth in the appropriate fee schedule approved by the City of Alvord.
- B. Section 25, Penalty. The punishment by fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) per offense is repealed, and replaced with the highest lawful penalty which may be imposed by the municipal court of Alvord, Texas, TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) for each offense.

A true copy of the City of Alvord, Texas Ordinance No. 42, pages 1-13, shall be attached to this Ordinance as Exhibit A, with its provisions fully incorporated, except as set forth above, into this ordinance.

**SECTION 4.            SEWER RETENTION, DRAINAGE, AND DELIVERY:**

- A. A grease trap or grease interceptor is required for public food establishments unless otherwise approved by the regulatory authority, and shall be located to be easily accessible for cleaning, operation, and maintenance. Locations must be approved by the regulatory authority and shall not be located within an area where food is held, prepared, stored, or transferred. Grease traps and grease interceptors shall be sized and installed in compliance with plumbing code as currently adopted by the City of Alvord. All grease traps and interceptors shall also be approved by the regulatory authority prior to installation. Grease separators designed to be serviced manually by food establishment employees are not approved. Grease interceptors or separators located above ground, beneath one (1) fixture, are prohibited unless otherwise approved by the regulatory authority.
- B. Grease traps and grease interceptors shall be serviced within ninety (90) days of the establishment opening, undergoing extensive renovation, or change in ownership, and subsequently at an interval(s) necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor or trap; to ensure the discharge of grease into public sewers does not exceed local discharge limits not to exceed 100mg/L; and to ensure no visible grease is observed in discharge. Self-cleaning of grease interceptors by operators is expressly prohibited. Grease traps and grease interceptors shall be completely evacuated a minimum of four times yearly, unless otherwise approved by the regulatory authority, and liquid waste transportation paperwork documenting complete service of the grease interceptor or trap shall be provided to the

regulatory authority, or designee having jurisdiction, upon request. Testing of effluent shall be done at the business owner's expense upon request by the regulatory authority for failure to produce requested liquid waste transportation paperwork, or should the regulatory authority have knowledge of a grease interceptor or trap dysfunction or suspicion of misuse that allows grease to be discharged into the sewer system. Food establishments shall enter into a contract with a waste hauler licensed by the state regulatory authority having jurisdiction over waste haulers, to provide for regularly scheduled servicing. No "will call" or "on call" scheduling shall be permitted for servicing, except for emergency servicing when required to prevent imminent health hazard or the discharge of grease into the sewer system. Liquid waste transportation documentation, as approved by the state regulatory authority including, but not limited to, the Texas Commission on Environmental Quality or the department, shall be kept on file for one (1) year in the food establishment for review by the local regulatory authority.

**SECTION 5. ADOPTION OF THE TEXAS FOOD ESTABLISHMENT RULES, 25 TEXAS ADMINISTRATIVE CODE, CHAPTER 229, SECTIONS 161-171 AND 173-175.** The City of Alvord adopts the provisions set forth in Texas Department of State Health Services, 25 Texas Administrative Code, Chapter 229, Sections 161-171 and 173-175, as amended, which establishes regulations regarding food, food establishments, mobile food units and temporary food establishments (the "Texas Food Establishment Rules"). The Texas Food Establishment Rules are made a part of this Ordinance as if fully set forth herein. Copies of the Texas Food Establishment Rules are on file in the office of the City Secretary of Alvord being marked and designated as the Texas Food Establishment Rules, published by the Texas Department of State Health Services, Bureau of Food and Drug Safety (Retail Foods Division).

**SECTION 6. INSPECTION FEE:** The City Council may set an appropriate fee for the inspection of all establishments serving food to the public. Unless otherwise determined by the City Council, the inspection fee shall be \$50.

In the event any food establishment violates any of the regulations applicable to the provisions of this Ordinance, or any other applicable state regulation or municipal ordinance of the City of Alvord may be fined under the provisions of the applicable ordinance, and/or their permit for the sale of food to the public may be revoked, or suspended by the city-designated inspector. Appeals by the food establishment are to the municipal court.

**SECTION 7. PENALTY CLAUSE:** Any person, firm, corporation, or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each day's violation under this Ordinance shall not preclude Alvord from filing suit to enjoin the violation. Alvord retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 8. SAVINGS/REPEALING CLAUSE:** All provisions of any ordinances of the City of Alvord in conflict with the provisions of this Ordinance be, and the same are hereby, repealed; but such repeal shall not abate any pending prosecution for violation of

the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. All other provisions of the ordinances of the City of Alvord not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 9. SEVERABILITY CLAUSE:** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Alvord hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 10. EFFECTIVE DATE:** This Ordinance shall become effective from and after its adoption and publication as required by law.


**DULY PASSED AND APPROVED** by the City Council of the City of Alvord City, Wise County, Texas, on this the 13th day of January, 2011.

**CITY OF ALVORD, TEXAS**



Chris Caster, Mayor

**ATTEST:**

  
Pam Sereika, City Secretary