

AN ORDINANCE  
OF THE  
CITY OF GREENSBURG

Ordinance Number: 050801

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE USE OF PUBLIC  
MARKETS/FARMERS MARKET IN THE CITY OF GREENSBURG

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GREENSBURG AS  
FOLLOWS:

**Section 1 – Definition:**

(a) The mobile food unit permit sticker for a mobile food unit shall be displayed on the upper left rear area of the vehicle in a conspicuous location. If such location is not practicable, the permit shall be located in a location approved by the director.

(b) Mobile barbecue trailers. Mobile barbecue trailer cooking surfaces shall be tightly enclosed and constructed in such a way as to protect all food contact surfaces from possible contamination both in transit and during use. Mobile barbecue trailers shall be used in conjunction with an approved and permitted commissary and mobile food unit.

(c) Commissary. All mobile food units open potentially hazardous foods, catering units and pushcarts shall operate from a commissary or other fixed food service establishments that are regularly inspected by a regulatory health agency. All mobile food units handling potentially hazardous foods shall report at least once a day to their commissary to clean and service the mobile unit.

(d) Servicing area. All mobile food units handling open foods, catering units, and pushcarts shall have a servicing area which shall have overhead protection, a location(s) for draining and flushing liquid wastes, and a location(s) for the loading and unloading of food and related supplies.

(e) Servicing area operation.

(1) All liquid waste containers shall be thoroughly flushed and drained daily during servicing operations.

(2) Flushing and draining activities shall be conducted in the servicing area. No flushing or draining of liquid waste shall be permitted on public streets or in any area other than the servicing area.

(f) Waste retention.

(1) All liquid waste shall be stored in a retention tank that shall have a minimum capacity of seven and one-half (7.5) gallons or that is at least fifteen (15) percent larger in capacity than the fresh water supply tank, whichever is greater.

(2) Solid waste shall be contained in an easily cleanable, self-closing, lidded trash receptacle which shall be kept on or near the mobile unit at all times.

(g) Water system. All mobile food units handling open potentially hazardous foods shall provide not less than fifteen (15) gallons of water under pressure (including gravity flow) at all times for use in utensil cleaning, sanitizing and hand washing. A single water inlet shall be located so as not to be contaminated by waste discharge. Such inlet shall be capped at all times except when being filled, and shall contain only potable water. Connection or direct hook-up to water sources

other than those on the mobile unit are prohibited unless approved by the director.

(h) Temporary events. Mobile food units and caterers may operate at temporary events by possessing a valid mobile food unit permit or by obtaining a temporary food establishment permit and meeting the requirements of a temporary food service establishment as described in this article.

(i) All seasonally or annually permitted mobile units that operate at the same location throughout the day shall either:

(1) Provide a sanitary restroom facility built in the mobile unit; or

(2) Be within three hundred (300) feet of a commercially plumbed restroom.

(j) The owner or operator of a mobile food unit commits an offense if the mobile food unit is operated in violation of any provision of this section.

(Ord. No. 12553, § 1, 6-18-96; Ord. No. 13749, § 1, 3-23-99)

#### **Sec. 20-352. Sidewalk Cafe**

**Sidewalk cafe** shall mean an outdoor dining area located on a sidewalk and containing removable tables, chairs, plants, and related appurtenances, which is not located on or does not encroach upon the public walkway as established by the director under the provisions of this article. It shall not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy.

#### **Sec. 20-353. Sidewalk Cafe Requirements.**

All sidewalk cafes operating within the corporate city limits of the City of Fort Worth shall comply with the requirements of this article except as otherwise provided herein or elsewhere in the City Code. The regulatory authority may impose additional requirements to protect against health hazards related to sidewalk cafe operation and may modify requirements for physical facilities when health, safety or welfare concerns may arise.

#### **Sec. 20-354. Permits.**

It shall be unlawful to sell, offer for sale, vend, operate, maintain or serve any item from a sidewalk cafe without a valid permit.

All sidewalk cafes and attendant facilities shall be inspected by the health department and the department of development prior to the issuance of a sidewalk cafe permit.

#### **Sec. 20-356. Locations.**

(a) It shall be permissible for sidewalk cafes to operate within the following designated areas:

Within the boundaries of the Downtown Special Improvement District delineated as follows: Jones Street on the east; Lancaster Avenue on the south; Texas Street, Macon, Fourth Street, Burnett Street, Belknap Street and Taylor Street on the west; the Trinity River and East 100 and East 200 blocks of Bluff Street on the north; so long as an eight-foot-wide unobstructed pedestrian walkway is preserved for the use of the public.

In other areas throughout the city where the pedestrian walkway is provided in compliance with the terms and specifications of this article.

#### **Sec. 16-132. Requirements for pushcarts.**

(a) All pushcarts vending food which begin operating in Fort Worth after the adoption of this

article shall comply with the requirements of this article except as otherwise provided in this section. The director may prohibit the sale of some or all potentially hazardous food from pushcarts. Nonfood items shall not be sold from pushcarts selling food. Pushcarts shall comply with all applicable requirements for pushcarts stipulated in Chapter 20, Article IV, Division 2 of the city Code.

(b) All food establishment pushcarts and their commissaries shall be inspected by the director prior to the issuance of a permit.

(c) In the interest of public health and safety, all food establishment pushcart permits for pushcarts operating within the downtown area shall be issued for a specific location. Vendors shall locate in compliance with the specified location so that the director may conduct inspections for compliance with this article and investigate reports of unsanitary conditions or food borne illnesses.

(d) Acceptance of a pushcart permit is an express acknowledgment and consent to the terms and restrictions for the permit set by the director.

(e) All pushcarts shall meet minimum health and safety standards as prescribed by the director, including at a minimum the following:

(1) Each pushcart vending open food shall have a conveniently accessible supply of paper towels, soap and detergent.

(2) Pushcarts shall provide only single service articles for use by consumers.

(3) Separate space shall be set aside from areas where food is served or prepared for nonfood related items which are displayed on pushcarts.

(4) Each pushcart shall have a stainless steel hand wash lavatory and a stainless steel sink with a minimum of two (2) compartments when utensil washing is required on the pushcart. Both will have adequate amounts of hot and cold water under pressure. Each pushcart shall also have adequate drain board space. This part (4) does not apply to pushcarts vending only prepackaged food products.

(5) Each pushcart shall provide and have available for the public a fly proof, lidded trash container for the disposal of refuse. Such trash container may be either on the pushcart or located conveniently nearby.

(6) Each pushcart employing butane or propane tanks shall comply with any and all applicable fire department regulations. Ground fault interrupters may be required by the fire department as a safety feature to prevent electrical shock. Each pushcart shall be equipped with an approved fire extinguisher with a 2A 10BC rating.

#### **Sec. 16-133. Catering services.**

(a) A person operating a catering service shall be affiliated with a fixed food establishment that is permitted by the health department having jurisdiction over the area where the facility is located.

(b) A catering service shall serve only food that requires limited additional preparation at the service site unless approved by the director.

(c) The owner or operator of a catering service commits an offense if the catering service is operated in violation of this section.

(Ord. No. 12553, § 1, 6-18-96)

#### **Sec. 16-134. Bed and breakfast homes.**

The Texas department of health "Rules on Food Service Sanitation" shall apply to bed and breakfast homes with the following exceptions:

(a) Pets may be present on the premises, but shall be excluded from food preparation and dining areas at all times.

(b) Laundry facilities installed in accordance with manufacturer's instructions may be present in the residential kitchen.

(c) Potentially hazardous foods shall be cooked and served only for immediate consumption and only for registered, overnight houseguests, or guests at private breakfasts, luncheons, dinners, or receptions. The following food handling practices shall be prohibited:

(1) Cooling and reheating food prior to service.

(2) Hot holding of food for more than two hours.

(3) Service of leftover food.

(d) A three (3) compartment sink shall be provided and used for manual cleaning and sanitizing of cooking equipment, utensils and tableware. The director may allow the use of a portable dish tub in lieu of a third compartment if no health hazards will result.

(e) A domestic or home-style dishwasher may be used if the following criteria are met:

(1) The dishwasher must effectively remove physical soil from all surfaces of dishes.

(2) The dishwasher must sanitize dishes by the application of sufficient accumulative heat.

(3) The operator shall provide and use daily a maximum registering thermometer or a thermal label to determine that the final rinse or drying cycle raises the surface temperature to a minimum of 160°F.

(4) The dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing residential kitchen utensils and tableware; a copy of the instructions must be available on the premises at all times.

(f) The owner or operator of a bed and breakfast home commits an offense if the bed and breakfast home is operated in violation of any provision of this section.

(Ord. No. 12553, § 1, 6-18-96)

### **Sec. 16-135. Farmer's markets.**

(a) No person shall vend fresh fruits, vegetables, or other produce or operate a farmer's market without a valid food establishment permit issued by the health department.

(b) Farmer's markets shall be located only on properly zoned private property. An active business other than the farmer's market shall be currently operating on the property. The owner or operator of the farmer's market shall obtain a notarized letter from the business owner stating that the market has permission to vend fresh fruits, vegetables or other produce on the property. The notarized letter shall be submitted to the director at the time of a food establishment permit application.

(c) The operator or an employee of the farmer's market shall attend the food handler's training provided by the health department and shall obtain a food handler's certificate. At least one certified food handler will be present during operating hours of the farmer's market and will present the food handler's certificate upon request of the director.

(d) Fresh fruits, vegetables or other produce displays shall be confined to the bed of a vehicle or to tables that are at least six (6) inches above the ground. Fresh produce shall not be cut or sliced. Displays shall be located on acceptable smooth, hard, paved surfaces such as concrete or machine laid asphalt.

(e) Conveniently located toilet facilities shall be available for market vendors. A notarized letter from the business owner granting the market vendors access to toilet facilities during all hours of the farmer's market operation shall be submitted with the food establishment permit application. A copy of the letter shall be made available to the director upon request. All toilets shall conform to the city code and shall have tight fitting, selfclosing solid doors. Toilet rooms and fixtures shall be clean and in good repair. Toilet paper shall be available and easily accessible at all times. Toilets accessible to women shall have a trash receptacle that is covered with a lid.

(f) A handwash lavatory with hot and cold water under pressure and tempered through a mixing valve shall be provided in or immediately adjacent to the toilet room. A soap dispenser and disposable paper towels shall be available at all times. All wastewater shall be captured and disposed of in an approved sewage disposal system.

(g) The permit holder shall ensure that all trash, refuse and garbage is removed from the site at the end of each day or that trash, refuse and garbage is placed in appropriate containers for later disposal. The premises occupied by the farmer's market shall be kept clean and free of accumulated trash, refuse or garbage during and after the hours of operation. All discarded fresh fruits, vegetables or other produce that remains at the market site shall be sealed in plastic bags and discarded in waste containers. Sufficient durable, nonabsorbent and easily cleanable, leak proof, rodent and insect proof refuse and garbage containers shall be available on site.

(h) Individual vendors selling produce at a permitted farmer's market are exempt from obtaining a food establishment permit.

(i) The owner or operator of a farmer's market commits an offense if the farmer's market is operated in violation of any provision of this section.

(Ord. No. 12553, § 1, 6-18-96)

**Sec. 16-140. Food manager certification.**

(a) The owner or operator of an establishment which handles open food and which has seven (7) or more food handlers on duty at any time shall make certain that at least one (1) certified food manager is on duty during all hours of operation.

(b) Establishments which have fewer than seven (7) food handlers shall not be required to have a certified food manager.

(c) A certified food manager shall apply to the City of Fort Worth Health Department for a City of Fort Worth food manager's certificate. A City of Fort Worth's food manager's certificate is valid for the same time period as the certified food manager certificate issued by the Texas Department of Health.

(d) The owner or operator of a new food establishment shall provide proof to the health department, prior to opening the establishment, that the establishment meets the certified food manager requirements of this article.

(e) When a replacement certified food manager is not available, the owner or manager of an existing food establishment shall notify the health department within forty-eight (48) hours of the termination or transfer of a certified food manager. The food establishment shall have thirty (30) days from the effective date of the termination or transfer to come back into compliance with the certified food manager requirements of this article.

(f) When an existing food establishment has a change of ownership, the new owner or operator of the establishment shall provide proof to the health department within thirty (30) days of the effective date of the change of ownership that it is in compliance with the certified food manager requirements of this article.

(g) A certified food manager shall present his/her certificate to the director for inspection immediately upon request. The owner or operator of a food establishment shall make food manager certificates available for immediate inspection upon request by the director.

(h) The following food establishments are exempt from the requirements of this section:

(1) Temporary food establishments;

(2) Establishments selling only uncut produce or prepackaged food (farmer's markets and produce stands for example);

(3) Establishments serving only fountain drinks, coffee, popcorn, and/or snow cones;

(4) Bars and lounges; and

(5) Food warehouses/wholesalers.

(i) Criminal offenses.

(1) A person commits an offense if the person is the owner or operator of a food establishment and violates a provision of this section.

(2) A person commits an offense if the person is the food manager of a food establishment and fails to obtain a food manager certificate from the Texas Department of Health Department.

(3) A person commits an offense if the person is the food manager of a food establishment and fails or refused to present his/her food manager's certificate issued by the Texas Department of Health and the City of Fort Worth Public Health Department to the director for inspection immediately upon the director's request.

(Ord. No. 12553, § 1, 6-18-96; Ord. No. 13749, § 1, 3-23-99)

#### **Sec. 16-141. Food handler certification.**

(a) Within seven (7) days of beginning work as a food handler (except for temporary event food handlers), an individual shall attend a food handler class approved by the director of public health and shall obtain a food handlers certificate issued by the health department. All temporary event food workers shall attend an approved food handler class and obtain a food handler's certificate before working at the temporary event.

(b) The owner or operator of a food establishment shall ensure that all food handlers obtain the certificate within seven (7) days of starting to work at the food establishment.

(c) A food handler shall present his/her certificate to the director for inspection immediately upon request.

(d) Food handler certificates are valid for two (2) years from the date of food handler training. A food handler may renew his/her certificate prior to its expiration by attending a food handler class.

(e) A food handler certificate is subject to immediate revocation by the director if it is determined that the holder is infected with or is the carrier of any food borne communicable disease, or if it is determined by the director that the continuation of any such food handler certificate presents a significant public health threat.

(f) The following persons are exempt from the requirements of this section:

(1) Certified food managers;

(2) Cashiers, hosts and hostesses, grocery sackers, delivery persons, food stockers who handle only prepackaged items, and bus help who handle only soiled cooking and serving utensils and dishware;

(3) Persons participating as volunteer food handlers performing charitable activities for periods of four (4) days or less; and

(4) Public school food service workers who attend accredited training courses.

(g) Criminal offenses.

(1) A person working in a food establishment as a food handler commits an offense if the person does not have a food handler's certificate as required by this section.

(2) A person working in a food establishment as a food handler commits an offense if the person fails or refuses to present his/her food handler's certificate to the director for inspection upon the director's request.

(3) The owner or operator of a food establishment commits an offense if a person works as a food handler in the establishment in violation of this section.

(Ord. No. 12553, § 1, 6-18-96; Ord. No. 13749, § 1, 3-23-99)

**Sec. 16-433. Food service requirements.**

General requirements shall be as follows:

(1) All day care centers in which food is prepared for human consumption shall comply with the pertinent food service regulations set forth in the City Code and in the Rules on Food Service Sanitation (1977), as amended, set forth by the Texas Department of Health, and a copy of which is on file with the city secretary. While day care centers in which food is prepared on site must comply with all applicable food service regulations, such centers need not obtain food service establishment permits, nor temporary food service establishment permits. Further, employees of such day care centers need not obtain food handler's certificates, nor must the day care manager obtain a food manager's certificate.

(2) Food service establishment permits or temporary food service establishment permits shall not be required in day care centers which do not prepare food on site, which have children bring their own lunches, which serve only prepackaged single-service snacks, or which prepare no food other than infant formula.

(3) All off-site food services used by a day care center must be permitted as a food service facility by an appropriate health department or authority in the jurisdiction wherein the food is prepared. Furthermore, facilities receiving food from such food service entities must have adequate and appropriate provisions for the holding and serving of food and for the washing of utensils in accordance with the requirements of the City Code.

(4) a. At all day care centers where food is prepared for human consumption, residential type refrigerators, freezers and ranges shall not be used for food preparation or storage in the food preparation area. Only equipment that meets or exceeds the standards established by the National Sanitation Foundation (NSF) will be approved for use, except that, in areas other than food preparation areas, residential type refrigerators may be used for storage of infant formula, juices and medications requiring refrigeration. Day care centers in operation upon adoption of this ordinance which were equipped with residential type equipment may continue to use such

equipment until such time as replacement of such equipment becomes necessary due to obsolescence or malfunction. All replacement equipment must meet or exceed the standards established by the NSF.

b. Day care centers which do not prepare food on site, which serve only prepackaged single-service snacks, or which prepare no food other than infant formula may use a residential type refrigerator for the purpose of storing infant formula, prepackaged snacks or medications requiring refrigeration.

(Ord. No. 11209, § 3, 11-24-92)

**Sec. 16-463. Certified pool operators.**

(a) The owner or person in control of a public swimming pool shall designate one (1) or more certified pool operators for the pool. A certified pool operator shall be readily available during all hours of operation to monitor the public swimming pool and maintain it in a safe and sanitary manner.

(b) In order to be considered certified, a pool operator shall successfully complete a course in swimming pool maintenance and safety approved by the director. A certification is valid for three (3) years from the date the course is completed.

(c) A person commits an offense if the person owns or is in control of a public swimming pool which does not have a certified pool operator readily available during all hours of pool operation.

(d) A person who owns or is in control of a public swimming pool shall maintain proof on the premises that the pool has a designated certified pool operator and shall present such proof to the director upon demand.

(e) In a prosecution for a violation of subsection (c), failure to present proof of a designated certified pool operator to the director shall constitute prima facie evidence that a certified pool operator is not readily available during all hours of operation.

(f) If a certified pool operator is not employed on-site at the public swimming pool, the owner or person in control of the pool shall post signs at all entrances to the pool stating the telephone number or pager number of the certified pool operator. The letters in such signs shall be of a minimum height of one (1) inch, and shall be of a color contrasting to their background.

(1) At a minimum, such signs shall state:

"TO REPORT MECHANICAL, SAFETY OR WATER QUALITY PROBLEMS WITH THE POOL, CALL \_\_\_\_\_ DURING POOL HOURS."

"FOR FIRE, POLICE, OR AMBULANCE IN AN EMERGENCY, DIAL 911."

(2) Such signs shall be of weather-resistant construction, and shall be posted where they are readily visible to a reasonably observant person.

(g) A person commits an offense if the person owns or is in control of a public swimming pool with no certified pool operator employed on-site and with criminal negligence fails to post or maintain signs required by subsection (f).

(h) A swimming pool permit application shall name the designated certified pool operator for the public swimming pool for which a permit is sought. If the designated certified pool operator changes during the term of the permit, the owner or person in control of the pool shall immediately report such change to the director.

(i) A person commits an offense if the person owns or is in control of a public swimming pool and knowingly fails to report a change of certified pool operator as required by subsection (h).

(j) A person who is a designated certified pool operator of a public swimming pool commits an offense if the person fails to test the pH level and the chlorine or disinfectant level in the pool a minimum of once per day.

(k) The director shall charge a fee set by the city council for any courses or tests the director administers pursuant to this section.

(Ord. No. 12156, § 1, 9-12-95; Ord. No. 13749, § 1, 3-23-99)

(a) A designated certified pool operator shall maintain records of all pH level and chlorine or disinfectant level tests performed on a public swimming pool during the permit term.

(b) The records shall state the results of such tests, the time and date the tests were made, and the level of pool usage at the time.

(c) Such records shall be maintained on-site at the public swimming pool for no less than two (2) years, and shall be made available to the director immediately upon the director's request.