

ORDINANCE NO. 01-08-2012

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, ESTABLISHING PROVISIONS FOR OPERATION OF SNOW CONE STANDS IN THE CITY OF COOPER, TEXAS; PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cooper determines that it is in the interests of the public to have snow cone stand requirements, pursuant to Food and Drug Health Regulations Code Section 437 if the state of Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPER, COUNTY OF DELTA, STATE OF TEXAS:

Section 1.

I.

General. These minimum standards are intended to minimize foodborne illness and are applicable to all commercial, non-profit, or charitable snow cone stands in Delta County. A Retail Food Establishment Health Permit is required to operate. Applications and requests for variances must be made to the Environmental Health Division.

II.

City Permit/Certificate of Occupancy. Owners of stands located in a city must contact the City Hall/Building Code Office to obtain a specific use permit or a certificate of occupancy before opening the stand.

III.

Water System. Water must be from an approved source. No hose attachment to the stand without a backflow prevention device. Hoses shall be the white, RV-type, food grade. When connected directly to city water supply by meter, the stand must also be connected to a sanitary sewer. Waste holding tanks for the sinks shall be at least 5-gal capacity, and shall be enclosed or covered. Air gaps, vacuum breakers, or other effective anti-siphon devices shall be provided to prevent contamination of potable water within and supplying the stand. Variances must have City and Health Department approvals.

IV.

Equipment and Utensil Cleaning. Items must be washed, rinsed, and sanitized. A 1-compartment sink with a drain board and cold running water is required. A 2-compartment sink with drain board and hot and cold running water is recommended. The snow cone machine must be cleansed and sanitized after each daily use.

V.

Hand Washing. Operators must be able to wash their hands. Single-service/paper towels, a towel holder, liquid hand soap and a soap dispenser are required. Hands may be washed in the 1-compartment equipment/utensil sink, however, a separate sink for hand washing only, with a mixing valve or combination faucet and hot and cold water is recommended.

VI.

General Construction. The stand shall be constructed to prevent the entry of insects, dust, dirt, or other foreign matter. All interior wall surfaces shall be smooth, nonabsorbent, and easily cleanable. The ceiling shall be easily cleanable. Studs, joists and rafters shall not be exposed.

VII.

Doors and Windows. Shall be solid, tight-fitting, and screened (with 16 mesh, if used for ventilation). Doors shall be self-closing. Counter service openings shall be no larger than necessary and kept closed when not in use.

VIII.

Floor Construction. Floor coverings shall be smooth, non-absorbent, and easily cleanable. All floor and wall junctures shall be coved and closed to no larger than 1 mm. Equipment and shelves shall be elevated a minimum of 6 inches. No carpeting is allowed.

IX.

Lighting. All light bulbs in the building shall be shielded, coated or otherwise shatter-resistant.

X.

Toilet Facilities. Must be adequate, separate, and provided within the stand or be accessible in an adjacent facility.

XI.

Inside Waste Containers. Durable, easily cleanable, nonabsorbent, leak-proof, insect- and rodent-resistant, and lined with a plastic bag. Containers shall be covered when they are full and when the stand is not operating.

XII.

Outside Waste Containers. Durable, cleanable, nonabsorbent, leak-proof, insect- and rodent-resistant, and have tight-fitting covers. Be of sufficient size/number to accommodate all refuse that accumulates.

XIII.

Single Service Articles. Cups, containers, lids, and straws shall be designed and constructed for food contact, and one-time-one-person use.

XIV.

Syrup Containers and Dispensers. Shall be single service containers or reusable food grade containers. Dispensers/nozzles/pumps shall be easily cleanable and cleaned frequently.

XV.

Home Canned/Prepared Foods. Not allowed.

XVI.

Sanitizing Solution. A container of an approved sanitizer (up to 200 ppm chlorine or mfg label instructions for quaternary ammonium compound) shall be available to sanitize surfaces, utensils, and equipment. A chemical test kit must be available to test the concentration of the sanitizing solution.

XVII.

Food Handler Permits. Unless the operator holds a food manager permit, all employees shall have a current, valid food handler permit issued by the State of Texas. Food manager permits are not required, however, unless additional food items are added to the menu.


Section 2. This Ordinance shall be in full force and effect immediately after its publication in the official newspaper for City of Cooper legal notices.

Section 3 . If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this

ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 4. This ordinance shall be published one time in the official newspaper of the City of Cooper, Delta County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 13 day of August, 2012.




Scotty Stegall, Mayor

ATTEST:



Margaret Eudy, City Secretary

APPROVED AS TO FORM:



Edgar J. Garrett, Jr., City Attorney