

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORSICANA, TEXAS, AMENDING CHAPTER 4, *BUSINESS AND COMMERCE*, OF THE CITY CODE OF ORDINANCES, CONCERNING SOLICITORS, VENDORS, AND OUTDOOR SALES, AND CHAPTER 6, *HEALTH AND SANITATION*, OF THE CITY CODE OF ORDINANCES, CONCERNING FOOD ESTABLISHMENTS.

WHEREAS, in accordance with the provisions of the laws of the State of Texas, the City Council has conducted a public hearing for the purpose of considering the amendment to the Code of Ordinances for the City of Corsicana, Texas; and

WHEREAS, the Ordinance will be effective October 1, 2023.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Corsicana, Texas, that Chapter 4, *Business and Commerce*, Article 4.500, *Solicitors, Vendors, and Outdoor Sales*, Subarticle A, *Solicitors*, Sections 4.505 and 4.509, of the City Code of Ordinances, concerning solicitors, vendors, and outdoor sales, shall be amended and hereafter read as follows:

CHAPTER 4 – BUSINESS AND COMMERCE

ARTICLE 4.500 - SOLICITORS, VENDORS, AND OUTDOOR SALES

SUBARTICLE A. - SOLICITORS

Section 4.505 – Home Solicitations-Permit Required

- (a) No merchant shall engage in or attempt to engage in any home solicitation transaction unless that merchant has in his immediate possession a valid Solicitor’s Permit issued to him under the provisions of this Code.
- (b) No merchant shall engage in or attempt to engage in any home solicitation transaction involving a food item unless that merchant has in his immediate possession a valid Health Card issued to him by the City Permit Department.

Section 4.509 – Solicitations on Public Streets or Other Publicly-Owned Property-Mobile Vendors

- (a) No merchant shall engage in or attempt to engage in any mobile vending operation unless
- (b) No merchant shall engage in or attempt to engage in any mobile vending operation involving a food item unless that merchant has in his immediate possession a valid health card issued to him by the City Permit Department.

NOW, THEREFORE BE IT FURTHER ORDAINED, by the City Council of the City of Corsicana, Texas, that Chapter 6, *Health and Sanitation*, Article 6.300, *Food Products Establishments*, Subarticle A, *In General*, Sections 6.301, 6.315, and 6.317 of the City Code of Ordinances concerning food establishments shall be amended and hereafter read as follows:

CHAPTER 6 – HEALTH AND SANITATION

ARTICLE 6.300 - FOOD PRODUCTS ESTABLISHMENTS

SUBARTICLE A. - IN GENERAL

Sec. 6.301 – General Services

D. Definitions. The words “authorized agent” or employee” means that employees of the regulatory authority.

The words “food establishment” means a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

The words “municipality of Corsicana” in this ordinance shall be understood to refer to the City of Corsicana, Texas.

The words “state rules” means the state rules found at twenty-five Texas Administrative Code. Chapter 229, Section 161 through 171 and Sections 17 through 175. These rules are also known as the Texas Food Establishment Rules. Any revision, addition, or deletion to the Texas Food Establishment Rules (TFER) by the department of state health services or the United States Food and Drug Administration shall be deemed to be an amendment to this article and adopted as of the time it goes into effect or is published.

The words “regulatory authority” or “Municipality” means the City of Corsicana.

The word “Director” means the Director of Engineering or his designated representative.

The words “Public Health Board” means those board members appointed by the City of Corsicana and said board shall be an administrative board as referenced in the Health and Safety Code, Title 2: Health, Subtitle F, Chapter 121, Subchapter D, Section 121.034.

Sec. 6.315 – Food Establishments Operating Outside the City

- A. A. retail products establishment operating from a facility located outside the City that sells, distributes, or transports food inside the City may not conduct operations inside the City unless the establishment annually:
1. Registers with the Director on a form provided for the purpose.
 2. Pays to the City of Corsicana a registration fee as shown in Chapter 13, Municipal Fees, and other applicable fees; and

3. Furnishes the Department with:

- (a) a certificate from a health authority with jurisdiction over the establishment indicating that the establishment complies with the applicable public health laws; and
- (b) other information that the Director determines is necessary to enable the Director to implement or enforce this article or otherwise protect the public health or safety.

B. The Director may inspect the operations of a food establishment specified in paragraph (a) above that are conducted inside the City to determine if the operations comply with applicable requirements of this article or other law.

C. This section does not affect the liability of a food products establishment specified in paragraph (a) above for payment of a fee imposed under another section of this article.

Sec. 6.317 – Service Fees

If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the Director in writing of the change and pay the City of Corsicana a service fee as shown in Chapter 13, Municipal Fees, not more than seven (7) days of the change.

PASSED, APPROVED and ADOPTED this the **14th** day of **August, 2023**.

Michael W. Fletcher, Mayor

ATTEST:

Cathy McMullan, Acting City Secretary

APPROVED AS TO FORM:

Kerri Anderson Donica, City Attorney