

## **ARTICLE III. FOOD AND FOOD ESTABLISHMENTS<sup>1</sup>**

### **DIVISION 1. GENERALLY**

**Secs. 18-71—18-90. Reserved.**

### **DIVISION 2. FOOD SERVICE ESTABLISHMENTS<sup>2</sup>**

#### **Subdivision I. In General**

##### **Sec. 18-91. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Followup inspection* means any inspection, other than a routine inspection or full followup reinspection, conducted at permitted food establishment, after notice has been given to correct a violation, to ensure that the violation has been corrected.

*Full followup reinspection* means a complete inspection of a permitted food establishment which is required to be conducted within seven days or as determined by the regulatory authority of a full routine inspection which resulted in a rating where the cumulative demerit value of the establishment exceeded 30 demerits, to ensure that all noted violations have been corrected.

*Mobile ice cream truck* means a permitted mobile food unit/establishment that vends pre-wrapped and sealed ice cream, soft serve ice cream, canned soft drinks, pre-packaged candy, chips, and pickles.

*Mobile ice cream vendor* means any person who has obtained a valid permit to operate a mobile ice cream truck on the public right-of-way to sell goods as permitted herein to customers for immediate consumption.

*Routine inspection* means an unannounced inspection conducted of a permitted food establishment for the purpose of determining the compliance of the establishment with the rules of this division and applicable law.

*Sunset* means the time in the evening established by the National Oceanic and Atmospheric Administration (NOAA).

(Code 1989, ch. 6, § 2.02; Ord. No. 65-99, § 2(2.02), 11-1-1999; Ord. No. 32-20, § 1, 10-19-2020)

Cross reference(s)—Definitions generally, § 1-2.

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<sup>1</sup>State law reference(s)—Food and food establishments, V.T.C.A., Health and Safety Code § 433.001 et seq.

<sup>2</sup>State law reference(s)—Food service establishments, V.T.C.A., Health and Safety Code § 437.001 et seq.

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### **Sec. 18-92. State food establishment rules adopted.**

The town hereby adopts the Texas Department of State Health Services "Texas Food Establishment Rules," found in 25 Texas Administrative Code, chapter 228, as presently enacted or as amended hereafter from time to time. A certified copy of such rules shall be filed and maintained in the office of the town secretary, and the same are hereby adopted and incorporated in this section as if the same were copied in their entirety at this point and the provisions of such rules shall be controlling in the town.

(Code 1989, ch. 6, § 2.01; Ord. No. 65-99, § 2(2.01), 11-1-1999; Ord. No. 11-16, § 1, 2-15-2016)

### **Sec. 18-93. Enforcement of division provisions.**

The enforcement of the rules and the provisions of this division shall be by the town manager, or his duly appointed representative. Any references in the rules adopted in section 18-92 to "regulatory authority" shall mean the town manager, or his duly appointed representative.

(Code 1989, ch. 6, § 2.03; Ord. No. 65-99, § 2(2.03), 11-1-1999)

### **Sec. 18-94. Trash collection requirements for food establishments in certain buildings.**

Any permitted food establishment that is located in or constructed as part of a building or structure with more than one occupant and/or tenant and that shares the use of one or more trash dumpsters with other building occupants and/or tenants shall ensure that these trash dumpsters are emptied by a solid waste disposal company at least three times per week. If, at any time, the regulatory authority determines that the frequency is insufficient to maintain a dumpster area in a clean and sanitary condition, then the regulatory authority may require the food establishment to have these dumpsters emptied more frequently.

(Code 1989, ch. 6, § 2.12; Ord. No. 65-99, § 2(2.12), 11-1-1999)

### **Sec. 18-95. Additional offense; interfering with or hindering the regulatory authority.**

It shall be unlawful for any permit holder, owner, operator, manager, person-in-charge and/or other employee of a food establishment to interfere with or hinder the regulatory authority in the exercise of its duties under this division.

(Code 1989, ch. 6, § 2.13; Ord. No. 65-99, § 2(2.13), 11-1-1999)

### **Sec. 18-96. Penalty and enforcement provisions of division.**

- (a) Any violation of the provisions of this division may be enforced against the permit holder, owner, operator, manager, person-in-charge and/or other employee of a food establishment, all as the regulatory authority deems appropriate. Upon conviction, the guilty party shall be deemed guilty of a misdemeanor and shall be fined as provided in section 1-13 of this Code. A separate offense shall be deemed committed for each day during or which a violation or failure to comply occurs or continues to occur.
- (b) Notwithstanding any provisions contained in this division to the contrary, the regulatory authority is hereby granted the authority to issue citations immediately for violations of this division that are committed in their presence.

(Code 1989, ch. 6, § 2.14; Ord. No. 65-99, § 2(2.14), 11-1-1999)

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**Secs. 18-97—18-120. Reserved.**

**Subdivision II. Permit**

**Sec. 18-121. Required to operate.**

No individual, corporation, partnership or other entity shall sell, offer to sell, give away, trade or otherwise convey food to the public or operate a food establishment within the town without having first obtained a permit issued by the regulatory authority.

(Code 1989, ch. 6, § 2.04; Ord. No. 65-99, § 2(2.04), 11-1-1999)

**Sec. 18-122. Issuance.**

- (a) As used in this division, the term "food establishment" shall mean any separate and distinct food handling facility, food service facility, food sales facility, mobile food establishment, central preparation facility, or temporary food establishment, as those terms are defined in the Texas Food Establishment Rules, adopted by section 18-92.
- (b) Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, corporation, partnership or other entity. If the applicant is a partnership, the names of the partners, together with their addresses, shall be included. The application shall also include the location and type of the proposed food establishment, the signature of the applicant, or agents, and such other information as the regulatory authority deems necessary.
- (c) Application for permits for mobile or temporary food establishments, which operate from a fixed facility or "commissary," located outside the town, shall include with their completed application a copy of the fixed facility's current, valid health permit (state and/or local) and the most recent facility inspection report (state and/or local), as well as a signed, notarized agreement between the central preparation facility owner/operator, and the owner of the mobile food establishment, on a form provided by the regulatory authority.
- (d) Prior to approval of an application for an existing, proposed or remodeled food establishment, the regulatory authority shall review all available documentation for such establishment to ensure that such facility complies with the rules and regulations of this code. Applications for permits shall be denied if any part of the application is improperly or erroneously completed, or if any part of the required documentation is not properly submitted.
- (e) If a single building or location contains multiple, separate, distinct food establishments, as noted above in subsection (a) of this section, regardless of whether one or all of the operations are owned or operated by one or more individuals or entities, a separate food permit shall be required for each operation and a separate permit fee shall be paid.
- (f) Once approved, permits shall not be transferable from one individual, corporation, partnership or other entity, or location, to another.

(Code 1989, ch. 6, § 2.04; Ord. No. 65-99, § 2(2.04(a)), 11-1-1999)

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### **Sec. 18-123. Fees.**

- (a) Each food establishment operating within the corporate limits of the town shall pay the permit fees as provided in the fee schedule found in appendix A of this Code. Permits granted under the provisions of this division, unless otherwise specified, shall remain in force for one year from the date of issuance unless suspended or revoked for cause.
- (b) No fee shall be charged to any food establishment owned and operated by a governmental agency, independent school district, institution of purely public charity, church, and/or other nonprofit organizations; however, such establishments may be operated only after a permit is issued by the regulatory authority and all other requirements of this division and applicable law are met. Proper documentation of tax-exempt status under federal or state law must be provided to the regulatory authority at the time of application in order to be exempt from the permit fee.
- (c) All permits fees shall be paid to the regulatory authority.

(Code 1989, ch. 6, § 2.04; Ord. No. 65-99, § 2(2.04(b)), 11-1-1999)

### **Sec. 18-124. Suspension.**

- (a) *Written notice for temporary suspension and opportunity for a hearing.* Permits may be suspended temporarily by the regulatory authority for repeated failure to comply with the requirements of this division. Whenever a violation has not been corrected after two written notices for the same violation, whether noted during a routine inspection or reinspection, the regulatory authority may suspend the permit. The permit holder, owner, operator, manager, person-in-charge of the food establishment at the time of inspection, or other employees of the food establishment, shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the permit holder. Notwithstanding the other provisions of this division, whenever the regulatory authority finds unsanitary or other conditions in the operation of a food establishment which constitute a substantial hazard to the public health, a written notice may be issued to the permit holder, owner, operator, manager, person-in-charge of the food establishment, at the time of inspection, or other employees of the food establishment citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately suspended and all food operations are to be immediately discontinued. If the permit is suspended, a "Closed by Order of Town of Flower Mound Environmental Health Services Division" sign shall be placed on the entrance to the food establishment in plain view of the public. No person may remove, cover, alter, deface or otherwise make unreadable such sign. Any individual or entity to which such an order is issued shall comply immediately therewith, but, upon written request to the regulatory authority, shall be afforded a hearing before the town council as soon as possible.
- (b) *Reinstatement of suspended permits.* Any permit holder whose food establishment permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten days following the receipt of a request, which shall include a statement signed by the permit holder that in his opinion the conditions causing suspension of the permit have been corrected, the regulatory authority shall perform a reinspection. If upon reinspection, the facility is found to be in compliance with these food establishment rules and other applicable law, then the permit shall be reinstated.

(Code 1989, ch. 6, § 2.08; Ord. No. 65-99, § 2(2.08), 11-1-1999)

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**Sec. 18-125. Revocation.**

- (a) *Written notice.* For serious or repeated violations of any of the requirements of this division, or for interference with the regulatory authority in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the regulatory authority. Prior to such action, the regulatory authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to permanent revocation, and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the regulatory authority by the permit holder within such five-day period. A permit may be suspended pending its permanent revocation or a hearing relative thereto.
- (b) *Town council hearing and findings.* The town council shall conduct the hearings provided for in this division at a time and place designated by it. Based upon the record of such hearing, the town council shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the regulatory authority.

(Code 1989, ch. 6, § 2.09; Ord. No. 65-99, § 2(2.09), 11-1-1999)

**Sec. 18-126. Requirements for snow cone-type seasonal refreshment stand food establishments.**

- (a) It shall be unlawful for any snow cone-type seasonal refreshment stand food establishment to operate out of a temporary building without a permit issued by the regulatory authority.
- (b) Unless suspended or revoked under the provisions of this division, permits for snow cone-type seasonal refreshment stand food establishments shall be valid only for a period of six months from the date of issuance.
- (c) All permits issued pursuant to this section are subject to revocation for violations of the food establishment rules of this division and other applicable law.

(Code 1989, ch. 6, § 2.10; Ord. No. 65-99, § 2(2.10), 11-1-1999)

**Sec. 18-127. Ice cream trucks.**

- (a) Any person desiring to operate as a mobile ice cream vendor shall submit an application and appropriate fee, found in appendix A of this Code, to the town.
- (b) All mobile ice cream vendors and mobile ice cream truck employees must submit to and pass an approved background check through the Flower Mound Police Department prior to operating a mobile ice cream truck.
- (c) Mobile ice cream vendors shall comply with all applicable town and state health laws and regulations.
- (d) All sales shall take place between the hours of 11:00 a.m. and sunset.
- (e) Mobile ice cream vendors shall not vend within 40 feet of any intersection, stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway.
- (f) Mobile ice cream vendors shall not sell within two city blocks or 600 feet, whichever is greater, of the grounds of a public, private, or parochial elementary or secondary school between the hours of 11:00 a.m. and 4:30 p.m. on days when school is in session.
- (g) Mobile ice cream vendors shall only vend on the passenger side of the ice cream truck.

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- (h) Mobile ice cream trucks shall park in the right-of-way, as far as practicable from traffic, when stopping for the purpose of making sales and shall operate emergency flashers when stopped. In no event shall a mobile ice cream truck stop for the purpose of making sales that prevent passage of other motor vehicles on the right-of-way or impede the flow of vehicular or pedestrian traffic.
  - (i) No signage or other obstructions shall block the windows of a mobile ice cream truck.
  - (j) The lawful name of the mobile ice cream truck shall be displayed on the vending/passenger side of the truck at all times.
  - (k) The menu and price lists shall only be displayed on the vending/ passenger side of the mobile ice cream truck.
  - (l) No mobile ice cream vendor shall sell alcoholic beverages, controlled substances, or any other item the possession or use of which is deemed illegal under any federal, state, or local law.
  - (m) Mobile ice cream trucks and vendors may only operate a horn, sound amplification system, or other sound producing device or music system during authorized vending periods. Mobile ice cream trucks and vendors shall not operate any such horn, sound amplification system, or other sound producing device or music system when the truck is stationary or in a manner that creates a noise disturbance as defined in chapter 34, sections 34-181 and 34-182 of the town's Code of Ordinances.
  - (n) Pre-packaged candy, chips, and soft drinks must be sold in commercially packaged, single-portion units.  
( Ord. No. 32-20 , § 2, 10-19-2020)

Ord. No. 52-19 , § 1, adopted Nov. 4, 2019, repealed former § 18-127 which pertained to permit to allow dogs on food establishment outdoor patio, and derived from Ord. No. 11-16 , § 2, adopted Feb. 15, 2016.  
Subsequently, Ord. No. 32-20 , § 2, adopted Oct. 19, 2020, added new provisions to read as herein set out.

**Secs. 18-128—18-150. Reserved.**

**Subdivision III. Food Protection Manager**

**Sec. 18-151. Registration required.**

- (a) *Employment.*
  - (1) Within 90 days of the effective date of the ordinance from which this division is derived, a food establishment shall employ at least one individual who is a full-time, on-site supervisory employee of that food establishment responsible for food preparation, presentation, sales and service, and who has a valid and current food protection manager registration issued by the regulatory authority, or the state.
  - (2) A food establishment is in compliance with the provisions of this division if there is one full-time registered food protection manager "person-in-charge" on duty during all times of operation.
  - (3) The regulatory authority may require additional registered food protection managers in sufficient number to ensure that all areas of food preparation, presentation, sales and service are under the direction of registered food protection managers during all times of food establishment operation. It shall be unlawful to own, operate or manage a food establishment with fewer than the required number of registered food protection managers on duty at the food establishment during all times of operation.
- (b) *Registered food protection manager replacement.*

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- (1) A food establishment shall notify the regulatory authority, in writing, within seven days of the effective date of termination or permanent transfer of the registered food protection manager; and
  - (2) A food establishment shall employ another registered food protection manager within 30 days of the effective date of termination or permanent transfer of the previous registered food protection manager.
- (c) *Registration with the town.* The regulatory authority shall issue a food protection manager registration to any individual who submits the required application, pays the required fee, and provides evidence of completion of an approved food protection manager certification course. An approved food protection manager certification course shall be accredited by the state department of health.
- (d) *Additional training required.* The regulatory authority may require registered food managers to successfully complete additional training when:
- (1) The employing food establishment has repeated or persistent violations of health code requirements and effective corrective action has not been instituted over a period of time as instructed by the regulatory authority; or
  - (2) The employing food establishment has been implicated by the regulatory authority as the source of foodborne illness.
- (e) *Renewal and evidence of registration.*
- (1) Unless sooner revoked by the regulatory authority, a food protection manager registration expires three years from the date of issuance.
  - (2) A food protection manager's registration certificate shall be prominently posted in the food establishment.
  - (3) A food protection manager's registration certificate is not transferable.
- (f) *Training and certification of food protection managers; responsibilities.* Training and certification of food protection managers or persons-in-charge of food establishments shall be required so that persons-in-charge shall have proper knowledge of safe techniques for storage, preparation, display, handling and service of foods, with the underlying purpose of preventing foodborne illness and protecting the public health; and so that persons-in-charge shall have knowledge to train employees under their supervision regarding the same. It shall be the responsibility of the permit holder, owner, operator, manager, person-in-charge and/or employee of the food establishment to maintain a clean and sanitary establishment and to train personnel in the safe and proper methods of handling food.
- (g) *Exemption from requirements.*
- (1) Food establishments that serve, sell or distribute only prepackaged foods, and/or open foods that are not potentially hazardous, may be exempted from these requirements by the regulatory authority.
  - (2) The regulatory authority may waive or modify the requirements of this division for temporary food establishments, special facilities and/or special events.
  - (3) Owners, operators, managers and persons-in-charge of exempted food establishments may be required by the regulatory authority to comply with the food protection manager's registration requirements if critical food safety violations are observed, or if, in the judgment of the regulatory authority, the nature of the operation requires such registration.

(Code 1989, ch. 6, § 2.05; Ord. No. 65-99, § 2(2.05), 11-1-1999)

**Secs. 18-152—18-170. Reserved.**

### **Subdivision IV. Construction, Remodeling, Conversion Plans<sup>3</sup>**

#### **Sec. 18-171. Submission and review required.**

- (a) When a food establishment is newly constructed or remodeled, when a food establishment has a change of ownership, or when an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion may begin.
- (b) The plans and specifications shall indicate the proposed layout of the food establishment, arrangement of all intended equipment, mechanical plans, types of construction materials and finish schedules for all areas, and the type and model of all proposed equipment to be installed. The regulatory authority shall review the plans and specifications to determine if they meet the requirements of this division. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the regulatory authority. Food facility owners/operators, as well as all general contractors and subcontractors, shall ensure during plans review, construction and operation that their facilities comply with all applicable town plumbing, mechanical, electrical, building, zoning and fire prevention and protection codes.
- (c) A permit to begin construction shall not be issued until properly prepared plans have been reviewed and approved by the regulatory authority.
- (d) Only commercial quality equipment, utensils and materials that meet or exceed current accepted national sanitation foundation (NSF) standards, or their equivalent, will be approved for installation and use in food establishments.
- (e) Final approval of all plans, materials, finishes, type and layout of all equipment is at the discretion of the regulatory authority.
- (f) The regulatory authority shall conduct one or more inspections of the food establishment prior to the start of operations to determine compliance with the approved plans and specifications, the requirements of this division, and the regulations of the department.
- (g) If, upon inspection at any time, the food establishment is found not to be constructed in accordance with approved plans, and/or any fixed equipment has been added or removed without prior approval by the regulatory authority, the food establishment shall be ordered to replace or remove the equipment in question.
- (h) An appropriate fee for plan review shall be assessed in accordance with the provisions of appendix A of this Code.

(Code 1989, ch. 6, § 2.06; Ord. No. 65-99, § 2(2.06), 11-1-1999)

#### **Secs. 18-172—18-190. Reserved.**

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<sup>3</sup>Cross reference(s)—Buildings and building regulations, ch. 14.



### **Subdivision V. Inspections**

#### **Sec. 18-191. Followup inspection.**

Any time a followup inspection is required by the regulatory authority to verify correction of a violation, a reinspection fee shall be paid to the town before reinspection. This fee must be submitted along with a letter signed by the owner of the establishment, or his appointed representative, such as the person-in-charge of the facility, stating that the violation is corrected, prior to the date for the reinspection.

(Code 1989, ch. 6, § 2.07; Ord. No. 65-99, § 2(2.07(a)), 11-1-1999)

#### **Sec. 18-192. Full followup reinspection.**

If a routine inspection reveals serious, multiple violations in food safety or overall level of sanitation, and/or the total cumulative demerit value on an inspection exceeds 30 demerits, a full followup reinspection of the food establishment will be conducted to verify correction of the violations. In this instance and before reinspection, a fee of 50 percent of the establishment's annual permit fee shall be paid to the town. In addition, the owner of the establishment, or his appointed representative shall submit a letter stating that each identified violation is corrected, and the method of correction, prior to the scheduled date of reinspection.

(Code 1989, ch. 6, § 2.07; Ord. No. 65-99, § 2(2.07(b)), 11-1-1999)

#### **Sec. 18-193. Failure to pay reinspection fees.**

Failure to pay the required reinspection fees in sections 18-191 and 18-192 will result in the immediate suspension of the food establishment's permit to operate, and the facility ordered to cease operation immediately. The food establishment shall remain closed until the violations are corrected, all required fees are paid, and a reinspection is conducted to verify correction.

(Code 1989, ch. 6, § 2.07; Ord. No. 65-99, § 2(2.07(c)), 11-1-1999)

#### **Secs. 18-194—18-210. Reserved.**

### **Subdivision VI. Snow Cone-Type Seasonal Refreshment Stands**

#### **Sec. 18-211. Generally.**

Only snow cones and commercially prepackaged nonpotentially hazardous foods shall be prepared or offered for sale at the food establishment. Snow cones and snow cone products shall be defined as crushed or shaved ice served in single-use articles and topped with flavored syrups. All products must come from an approved source. No potentially hazardous foods or flavorings as defined by this division shall be served at this type of establishment.

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(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(a)), 11-1-1999)

**Sec. 18-212. Ice.**

Ice shall be obtained in chipped, crushed, cubed or blocked form and in single-service articles, filled and sealed at the point of manufacture from licensed approved manufacturers. The ice shall be held in these bags until dispensed in a way that protects it from contamination.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(b)), 11-1-1999)

**Sec. 18-213. Required equipment.**

- (a) A single three-compartment stainless steel sink with drain boards shall be provided and installed. Sink compartments shall be large enough to permit the accommodation of the largest piece of equipment and utensils to be washed. The single three-compartment sink must be provided with hot and cold water under pressure.
- (b) A separate handwashing sink with hand-cleansing soap and sanitary single use towels shall be provided. The sink shall be provided with hot and cold water.
- (c) All service and delivery openings shall be designed and function properly to prevent the entrance of flying insects. Service openings shall be closed except during actual service of food to the consumer.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(c)), 11-1-1999)

**Sec. 18-214. Water supply.**

- (a) All equipment used for a potable water supply system shall be listed for such use by an organization acceptable to the regulatory authority and shall be installed and operated according to law.
- (b) All potable water not provided directly by pipe to the establishment from an approved source shall be transported in a bulk water transport system or individual containers and shall be delivered by direct connection to a self-contained water system, or be delivered to a self-contained water system by direct hose attachment from an approved water source. All potable water containers or hoses shall be used only for water supply purposes.
- (c) A self-contained water system of sufficient capacity to furnish an adequate quantity of potable water for cleaning and handwashing purposes shall be provided (minimum 15 gallons). If at any time the town determines that 15 gallons is not adequate to meet the cleaning and handwashing needs of the operation, the capacity must be increased to a volume approved by the town.
- (d) A water heater system capable of producing water of 110 degrees Fahrenheit interconnected with the potable water supply shall be provided.
- (e) The water system shall be capable of delivering a water supply under pressure of at least 15 pounds per square inch (psi) at all times. If such water pressure cannot be provided by gravity flow, then a tank and a pump or other means, which will provide such 15 psi, shall be installed.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(e)), 11-1-1999)

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**Sec. 18-215. Liquid waste.**

- (a) Where snow cone-type seasonal refreshment stand food establishments are not connected to a public sewer system, all liquid waste from the operation shall be held in an approved, installed liquid waste retention tank. The liquid waste retention tank shall have a capacity at least 50 percent greater than the potable water tank. All waste lines shall be properly installed and connected to the liquid waste tank with watertight seals.
- (b) All liquid waste from the retention tank shall be transported and disposed of in accordance with applicable law. There shall be an approved liquid waste disposal facility conveniently located and accessible for use by the food establishment employees at all times. If the facility is not located within the food establishment, it must be located within a 300-foot radius of the food establishment to be considered conveniently located.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(e)), 11-1-1999)

**Sec. 18-216. Employee restrooms.**

Snow cone-type seasonal refreshment stand food establishments shall have adequate, conveniently located and accessible toilet and lavatory facilities available at all times. If these facilities are not located within the establishment, they must be located within a 300-foot radius of the food establishment to be considered conveniently located.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(f)), 11-1-1999)

**Sec. 18-217. Agreement for use of facilities.**

If liquid waste disposal facilities and toilet and lavatory facilities are located off-site, a notarized letter signed by the owners/operators of the establishment where the facilities are located, must be submitted with the permit application giving written permission for the food establishment personnel to use such facilities and that the facilities will be available for use at all times during the food establishment's hours of operation.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(g)), 11-1-1999)

**Sec. 18-218. Garbage.**

An easily cleanable, covered trash container shall be provided on the outside of the establishment if outside seating is provided.

(Code 1989, ch. 6, § 2.11; Ord. No. 65-99, § 2(2.11(h)), 11-1-1999)

**Secs. 18-219—18-250. Reserved.**