



STATE OF TEXAS  
§  
COUNTY OF JEFFERSON

COMMISSIONERS' COURT  
§  
OF JEFFERSON COUNTY, TEXAS

Order Regulating Food Service Establishments,  
Retail Food Stores, Mobile Food Units, and  
Roadside Food Vendors.

AMENDED ORDER REGULATING FOOD SERVICE ESTABLISHMENTS  
RETAIL FOOD STORES, MOBILE FOOD UNITS  
AND ROADSIDE FOOD VENDORS

BE IT REMEMBERED at a meeting of Commissioners' Court of Jefferson County, Texas, held on the 30th day of November, 2015, on motion made by Eddie Arnold, Commissioner of precinct No. 1, and seconded by Everette Alfred, Commissioner of Precinct No. 4, the following order was adopted

As provided by Chapter 437 of the Texas Health and Safety Code, counties and public health districts have the authority to enforce state law and rules concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.

Therefore, it is ORDERED, that Jefferson County Commissioner's Court adopts the following order:

Section 1. Enforcement of State Law and Rules and Definitions

Jefferson County adopts by reference the provisions of Chapter 437 applicable to counties/public health districts and the current rules of rules as amended by The Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228. Regarding the regulation of food establishments in this jurisdiction.

The words "authorized agent or employee" means the employees of the regulator 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 "state laws and rules" mean the state laws found in Chapter 437 of the Texas Health

authority. Permits are not transferrable from one person to another or from one location to another location, except as otherwise permitted by this order. A valid permit must be posted in or on every food establishment regulated by this order.

A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this order, but is not exempt from compliance with state laws and rules. The local regulatory authority may require any information necessary to determine whether an organization is nonprofit for purposes of this exemption.

A bed and breakfast establishment with seven or fewer rooms for rent that serves only breakfast to its overnight guests is not a food establishment for purposes of this order. Any other bed and breakfast is a food establishment and shall follow the applicable state rules and must obtain a permit under this order.

#### Section 3. Warning and Disclaimer of Liability

The degree of public health protection required by this Order is considered reasonable for regulating purposes and is based on state laws and regulations. This Order shall not create liability on the part of Jefferson County or any office or employee thereof for any damages that result from reliance on this Order or any administrative decision lawfully made hereunder.

#### Section 4. Application for Permit and Fees

Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules may be denied a permit or the renewal of a permit.

#### Section 5. Delegation of Permit Process

The County Health Authority may delegate the inspection and permitting procedure to the Environmental Control Department.

equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of state law and rules. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow approved plans and specifications, when required, will result in a permit denial, suspension, or revocation.

#### Section 7. Enforcement of Order

The regulatory authority may, after giving notice and providing an opportunity for hearing, deny, suspend, or revoke a permit for any violation of this order, the state law, or the state rules.

The notice of the reasons for the denial, suspension, or revocation of the permit shall be in writing and mailed by certified mail, return receipt requested, to the permit holder or applicant at the address as shown on the permit application or renewal. The reason for the denial, suspension, or revocation shall be stated in the notice. The permit holder or applicant shall have twenty days from the receipt of the notice letter to request a hearing on the denial, suspension, or revocation. If no written request for hearing is received by the regulatory authority after twenty days of receipt of the notice by the permit holder or applicant, the regulatory authority may take the proposed action without a hearing. If a hearing is requested within the twenty day period, the hearing shall be conducted by a hearing officer appointed by the regulatory authority or the Commissioner's Court. The hearing officer shall appoint a time, day, and location for the hearing. Both the regulatory authority and the permit holder or applicant shall have the right to present witnesses and evidence in the hearing. Based on the evidence presented at the hearing, the hearing officer shall make a final written decision, based upon a preponderance of the evidence, in the matter and shall notify the regulatory authority and the permit holder or applicant.

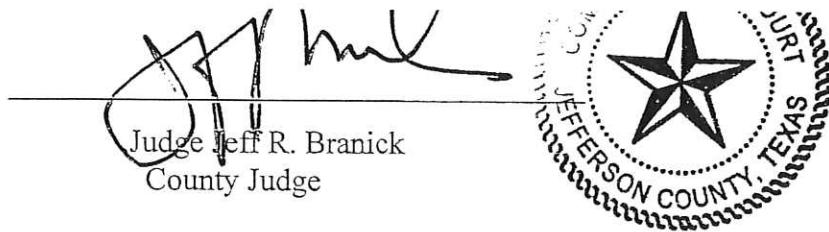
#### Section 8. Penalties

Violations of the provisions of this Order or failure to comply with any of its requirements shall constitute a class C misdemeanor, and upon conviction thereof, the violators shall be fined not more than \$500.00, and in addition thereto, shall pay all costs and expenses incurred in the case. Each day such violations continue shall be considered a separate offense.

#### Section 9. Severability

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

#### Section 10. Effective Date



Eddie Arnold  
Commissioner Eddie Arnold  
Precinct No. 1

Michael S. Sinegal  
Commissioner Michael S. Sinegal  
Precinct No. 3

Brent A. Weaver  
Commissioner Brent A. Weaver  
Precinct No. 2

Everette D. Alfred  
Commissioner Everette D. Alfred  
Precinct No. 4