

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 50 "HEALTH AND SANITATION", ARTICLE II "FOOD SERVICE ESTABLISHMENTS", SECTION 50-21 "FOOD SERVICE SANITATION ORDINANCE ADOPTED", OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that there is a need to amend the Food Service Sanitation ordinance to update citations to regulations which have been modified by the Texas State Department of Health Services; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

The text of Section 50-21 "Food service sanitation ordinance adopted" of the City of Bryan Code of Ordinances is hereby amended to read as follows:

There is hereby adopted by the city, for the purpose of establishing rules and regulations for food service sanitation, including permits and penalties, ~~the Texas Department of State Health Services, "Rules On Texas Food Establishments 229.161 – 229.171 and 229.173 – 229.175",~~ the regulations contained in Volume 25 Texas Administrative Code Chapter 228 "Retail Food", current copies of which may be obtained on the Texas ~~Secretary Department~~ Department of State Health Services web site. Provided, that the words "municipality of" in such ordinance shall be understood to refer to the City of Bryan or its authorized representative. The authorized representative for enforcement of such ordinance shall be the Brazos County Health Department, also referred to in this article as the "regulatory authority." Such rules are hereby adopted and incorporated as fully as if set out at length herein, provided that all amendments to the rules adopted in this section shall take effect, and the provisions thereof shall be controlling with the corporate limits of the city.

2.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

3.

That all rights or remedies of the City of Bryan, Texas are expressly saved as to any and all violations of the provisions of Chapter 50 of the City Code which have accrued at the time of the effective date of this ordinance; and, as to all such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or

decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

5.

That it is the intention for the city council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

6.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

7.

This ordinance shall go into effect immediately after its second and final reading.

PRESENTED AND GIVEN first reading the ___ day of _____, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, **PASSED AND APPROVED** on the ___ day of _____ 2016 by a vote of _____ yeses and _____ noes at a regular meeting of the City Council of Bryan, Texas.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney