



Proposed Ordinance Amending Chapter 17, “Food Establishments,” of the Dallas City Code

Neighborhood Quality of Life Committee

Environmental & Health Services
Food Protection & Education Division

January 22, 2007

Purpose

- Provide overview of proposed changes to Chapter 17, “Food Establishments,” Dallas City Code (Chapter 17) that would:
 - Adopt updated Texas Food Establishment Rules (TFER), with local amendments, including:
 - Scientifically established guidelines for control of food borne illnesses attributed to retail food establishments
 - Authority of director to grant variances to TFER and Chapter 17
 - Provide for variances to allow dogs on outdoor patios of permitted food establishments, under certain conditions and standards
 - Clarify defenses relating to homeless feeding
 - Address evolving issues specific to the City of Dallas food establishments

Background

- On June 8, 2005, Council last modified Chapter 17
 - Adopted the October 6, 1998 TFER
 - Added food handler safety course
 - Adopted homeless feeding defenses
- TFER was again revised by State on March 15, 2006

Proposed Amendments

- Adopt March 15, 2006 Texas Food Establishment Rules, with local amendments
 - Allows variances to TFER and Chapter 17
 - Allows the director to grant modification or waiver if, in the director's opinion, a health hazard or nuisance will not result from the modification or waiver
 - Other March 15, 2006 TFER changes include (See Appendix A for detail):
 - Exclusion to prevent persons with certain illnesses from working as food employees
 - New definition of "potentially hazardous food"
 - Expanded definition and bare-hand requirements for "ready-to-eat food"
 - Requirement that hands must be washed "before donning gloves"
 - New definition of "reminder," as it relates to consuming raw undercooked foods
 - Provision lowering temperatures relating to food and water requirements

Proposed Amendments

- Regulations for bare-hand contact with ready-to-eat foods
 - Existing Chapter 17 includes regulations for preventing contamination from hands that exceed TFER measures
 - Food employees must avoid contact of exposed ready-to-eat food with bare hands by use of suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves, except when washing fruits and vegetables
 - Food employees must minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form
 - Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used
 - Nails must be closely trimmed and maintained
 - Long fingernails (natural, sculptured, etc.), chipped nail polish are prohibited
 - 2006 TFER regulations
 - Specifies that hands must be washed “before donning gloves” on list of tasks requiring hand-washing
 - Items not proposed for adoption, as current Chapter 17 is more stringent
 - Written bare-hand procedures must be in place and include documented training of all employees and two approved control measures
 - Establishments serving highly susceptible populations are prohibited from handling ready-to-eat foods with bare hands

Proposed Amendments

- Retain previously adopted local amendments, with the following changes:
 - Define "food establishment" to include an establishment that sells frozen desserts
 - Continue permitting requirements for food establishments selling ice cream, frozen custard, soft serve dairy products, gelatos, other frozen desserts
 - Expand exemption for temporary food service establishments
 - Current Chapter 17 exempts a temporary food service establishment from permitting requirements if its weekly gross income does not exceed \$25
 - The proposed amendment would exempt a temporary food service establishment from permitting requirements if its weekly gross income does not exceed \$100

Proposed Amendments

- Provide a process to grant variances to TFER and Chapter 17
 - Variance may not create a health hazard or nuisance
 - Variance is nontransferable and expires two years after issuance
 - Bi-annual, non-refundable fee for a variance is \$100
 - Director may deny or revoke a variance, which action may be appealed to the permit and license appeal board
- Provide standards and conditions for variances allowing dogs on outdoor patios of permitted food establishments
 - Outside, separate entrance required for direct access of dogs to outdoor patio
 - Conspicuous entry signage required stating “Dog Friendly Restaurant – Dog Access Only Through Outdoor Patio”
 - Air curtains required to separate outdoor patio from interior of food establishment
 - Dogs prohibited inside, on playground areas, and on patio chairs, tables, and counters
 - Food preparation (including mixing drinks and serving ice) prohibited in patio area
 - Patio must be cleaned at least every 30 minutes with separate cleaning equipment from that used inside
 - On-duty food establishment employees may not have contact with dogs
 - Dogs must be kept on leash, remain in control of customer and wear current rabies vaccination tags
 - Dogs may not have contact with dishes or utensils for food preparation or service

Proposed Amendments

- Clarify defenses relating to homeless feeding
 - Criteria for approving feeding locations
 - Availability of portable toilets or other restroom facilities
 - Availability of equipment and procedures for water, wastewater disposal
 - Availability of equipment and procedures for hand washing
 - Written consent of property owner
 - Conditions of homeless feeding registration
 - One person who has attended a city-sponsored food safety training class must be present at all times food is being served to homeless
 - No potentially hazardous food may be served unless stored at a temperature of 41° F. (5° C.) or below or 135° F. (57° C.) or above
 - Food must be transported in clean conveyance and served within four hours after preparation
 - Containers, soap, and individual paper towels must be provided for handwashing at sites where non-prepackaged food is served
 - Wastewater generated at feeding site must be properly disposed of in a lawful place and manner
 - Feeding site must be left in clean, waste-free condition

Next Steps

- Recommend adoption of proposed ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code on January 24, 2007

Appendix A: TFER Changes

- Changes between 1998 and 2006 TFER
 - Exclusion of Sick Employees
 - Illness due to Norovirus added to exclusion list
 - Employees with sudden onset of vomiting or diarrhea are excluded
 - Establishment required to contact health department if an employee is confirmed with an illness requiring exclusion
 - Potentially Hazardous Foods
 - Excludes shell eggs treated to destroy Salmonellae
 - Refers to time/temperature control for safety (TCS)
 - Date Marking
 - Use-by/consume-by/discard date (no more than 7 days) must be labeled on all ready-to-eat TCS/potentially hazardous foods held over 24 hours
 - Day 1 is the day the item is opened or prepared
 - Bare Hand Contact with Ready-to-Eat Foods
 - Establishments serving highly susceptible populations are prohibited from handling ready-to-eat foods with bare hands
 - Hand Washing
 - List of tasks when hands must be washed now includes “before donning gloves”

Appendix A: TFER Changes

- Changes between 1998 and 2006 TFER (cont'd)
 - Consumer Advisory
 - New requirement to post and identify raw or undercooked food items, and provide a reminder concerning health risks to customers
 - Cooking Temperature
 - Whole-muscle pork (chops, loin, etc.) cooking temperature is now 145°F
 - Thermometers
 - Small-diameter probes required to measure temperatures of thin foods (i.e., hamburger patties)
 - Hot Holding Temperature
 - Hot holding temperature was lowered to 135°F
 - Water Temperature
 - 100°F minimum hot water temperature at hand sinks