

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS, AMENDING TITLE XI, CHAPTER 116 REGARDING ESTABLISHING REQUIREMENTS GOVERNING THE FOOD SERVICE WORKER CERTIFICATION; PROVIDING FOR A PENALTY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

SECTION 1

That section of the Code of Ordinances, City of Carrollton, Title 11, Chapter 116 regarding the regulation of food establishments is hereby amended to add Sections 116.50 to 116.53, to read as follows:

REGISTRATION AND CERTIFICATION OF FOOD SERVICE WOKERS

Sec. 116.50 Requirements for registration and certification of food service workers.

(A) It shall be unlawful for any person owning or operating a food establishment to allow any person who does not possess a valid Carrollton food service worker certification to be employed therein whose work brings said person into contact with the handling of food, utensils, food service equipment and food contact surfaces.

(B) It shall be an affirmative defense to prosecution for permitting a person without a valid Carrollton food service worker certification to handle food, utensils, food service equipment and food contact surfaces so long as one of the following conditions exists, and the food establishment has no history of critical or repeated food code violations:

- (1) The food establishment provides only prepackaged foods;
- (2) The food establishment is temporary;
- (3) The food establishment is inspected by food sanitation inspectors from state or federal agencies;
- (4) The food service worker possesses a current and valid food service manager's certification from completing a course permitted by the state department of health; or,
- (5) The food service worker possesses a current and valid food handler certification from the state of Texas.

(C) The person owning, operating or managing a food establishment is allowed a period until February 1, 2009 for initial compliance with this section.

(D) The person owning, operating or managing a food establishment shall after February 1, 2009 be allowed fifteen days (15) from the date of employment of the food service worker to comply with this section, and will be required to show proof of hiring date when requested by the DCO.

(E) Proof of food service worker certification shall be made available upon request by the DCO.

Sec. 116.51 Application, Training, Testing and Certification.

(A) The application fee for a food service worker certification shall be paid annually by the owner of the food establishment at the same time as its food establishment permit and in the amount set forth in Chapter 31 of this code.

(B) A food service worker certification shall be issued to any person employed by, or otherwise connected with a food service establishment, who:

- (1) Is registered by the food establishment's owner or manager for the food service worker certification course;
- (2) Completes the video training course;
- (3) Takes the food service worker certification test and passes with a score of at least seventy per cent (70%); and,
- (4) Is not suspected of being:
 - (a) Infected with disease in a communicable form that can be transmitted by foods;
 - (b) Infected by a boil, an infected wound, or an acute respiratory infection
 - (c) A carrier of organisms that cause such a disease.

In any of the above suspected health conditions, a medical confirmation by a physician shall be required before a food service worker's permit is rejected or terminated on this basis.

(C) Unless sooner revoked, the food service worker certification shall be valid for two (2) years from the date of its issuance.

(D) Food service workers who do not obtain the passing score of seventy percent (70%) in the written test, may retake the test or may choose to be counseled by the DCO at a designated time, in which case, the issuance of the food service worker's certification shall be at the decision of the DCO.

(E) The food service worker certification shall be maintained at the premises of the food establishment at all times during the food service worker's employment at the food establishment.

(F) A food service worker certification is not transferable from one person to another person.

Sec. 116.52 Denial or Revocation of Certification.

(A) The DCO may deny an application for a food service worker's certificate if the applicant or the food establishment owner or manager knowingly makes any false, fraudulent, or unlawful statement on the application. Any certificate obtained by a falsification of information shall be void.

(B) Each valid food service worker certification issued by the DCO shall remain the property of the city and may be required to be surrendered to the DCO to be voided when such has been revoked.

Sec. 116.53 Renewal of Certification.

A food handler's certificate may be renewed if the holder:

- (1) Attends the city's food service worker refresher course on food protection;
- and,
- (2) Passes the required tests at the conclusion of the course.

SECTION 2

That conviction of a provision of this ordinance is punishable as provided in Section 10.99 of the Carrollton Code of Ordinances.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4

That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Carrollton, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 5

That this ordinance shall become and be effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this _____ day of _____, 2008.

Ronald F. Branson, Mayor

ATTEST:

Ashley D. Mitchell, City Secretary

APPROVED AS TO FORM:

R. Clayton Hutchins
City Attorney

APPROVED AS TO CONTENT:

Scott Hudson
Director Environmental Services