

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE
RELATING TO FOOD ENTERPRISE PERMITS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 10-3-1 (*Definitions*) of the City Code is amended to add a new subdivision (5), and subdivisions (5) through (20) are renumbered accordingly.

§10-3-1 DEFINITIONS.

(5) CHILDREN'S NEIGHBORHOOD BEVERAGE STAND means a temporary food establishment that is:

- (a) operated by a child 17 years of age or younger;
- (b) located in a neighborhood, defined as a geographical area of Austin zoned for single-family or multi-family residential use only;
- (c) providing beverages, defined to mean lemonade, cold or hot tea, coffee, and hot chocolate, in single-use, disposable cups and articles for use by customers; and
- (d) operated no more than six periods of 14 consecutive days, and no more than 84 days total in a calendar year.

PART 2. Section 10-3-61 (*Permit Required*) of the City Code is amended to read as follows:

§10-3-61 PERMIT REQUIRED.

- (A) Except as provided in Subsections (C) and (F), a person must hold a permit issued by the health authority to operate a food enterprise.
- (B) A person must hold a food enterprise permit issued by the health authority to operate a group residence, boarding home, or congregate living facility with occupancy for 16 or more residents when food is provided, stored, or prepared onsite, or prepared by a third party operator or facilitator.

- 29 (C) A vending machine that only dispenses non-~~potentially~~ hazardous food
30 does not require a permit.
- 31 (D) A person must comply with the requirements of this chapter to receive or
32 retain a permit.
- 33 (E) A permit issued under this chapter is not transferable.
- 34 (F) A person operating a children's neighborhood beverage stand providing non-
35 hazardous beverages does not require a permit.

36 **PART 3.** This ordinance takes effect on _____.
37

PASSED AND APPROVED

_____, 2018 §
 §
 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk