



# City of San Antonio

## Agenda Memorandum

**File Number:** 14-1582

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**Agenda Item Number:** 20.

**Agenda Date:** 8/7/2014

**In Control:** City Council A Session

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**DEPARTMENT:** Health

**DEPARTMENT HEAD:** Dr. Thomas L. Schlenker

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Proposed Changes to City Code Chapter 13, "Food and Food Handlers"

### **SUMMARY:**

The San Antonio Metropolitan Health District (SAMHD) is recommending changes to Chapter 13, "Food and Food Handlers". The recommended changes are a result of the popularity of mobile vending around the country and in San Antonio.

### **BACKGROUND INFORMATION:**

Mobile food establishments have been increasing in numbers and complexity for the past four years in San Antonio. The most recent change to Chapter 13, Article IV established regulations for mobile food courts and allowed mobile food establishments (MFE) to operate at temporary events without having to purchase an additional permit by exempting MFE's from certain operating restrictions. Also, as MFE's change their operational methods and prepare more complex food items to meet consumer demands SAMHD must develop smarter more streamlined methods to effectively regulate the mobile food establishment industry. The Department has met on a number of occasions with stakeholders such as the San Antonio Food Truck Association; San Antonio Restaurant Association; and San Antonio Hotel and Lodging Association and also sent out a letter outlining the proposed changes in English and Spanish to all known mobile food establishment owners in SAMHD's database.

### **ISSUE:**

The San Antonio Metropolitan Health District is recommending changes to Chapter 13 of the City Code entitled “Food and Food Handlers”. Four major changes are being recommended to help modernize and streamline the regulation of MFE’s. The first major change is to require a government issued identification for the applicant of a permit. The change will also allow the Department to cite an owner who is out of compliance with certain portions of the ordinance instead of citing the operator who may not be the owner. This change will help make the owners of the mobile food establishment more responsible for what takes place on their mobile food establishments.

The second major change is the collapsing of the mobile food establishment fee categories from six (6) to three (3) fees. The collapse will place mobile food establishments in categories according to risk based on the types of food served, type of food preparation techniques used and if the food is prepackaged or openly handled. The new fee will be \$100.00 for prepackaged or unpackaged non-potentially hazardous foods; \$200.00 for prepackaged potentially hazardous foods and \$300.00 for open handling of potentially hazardous foods. This change will also eliminate the need to add new categories of mobile food establishments to the ordinance in the future. All MFE owners will experience a small to moderate increase in their annual fee based on the type of mobile food establishment owned.

The third major change is to the commissary requirements of the ordinance. The Department is proposing language to clarify when a commissary must be used as well as using a log sheet designed by the Department. The Department is also proposing allowing the approval of service areas which may be located at recreational vehicle (RV) parks and RV service centers for the dumping of waste water and the filling of fresh water which will increase the number of facilities where mobile food establishment may service their units. Mobile food establishments will also be required to have water tested for bacterial contamination to verify their water systems are safe. Commissaries will also be required to keep a duplicate service log of each mobile food establishment serviced at their facility.

The fourth major change is to limit the background check requirement to ice cream vendors instead of all MFE employees. MFE’s have long argued that the current background check requirement which is unique to San Antonio adds significant cost and inconvenience to an MFE business. After review and discussion, it was determined this change would address their concern while still protecting children as originally intended.

In addition to the four major changes recommended by the Department other small changes are also part of the ordinance revision including the following:

- Clarifying that the commissary letter must be notarized;
- Requiring MFE’s to list a general classification of the types of foods sold;
- Clarifying distance requirements for permitted food establishments; and
- Clarifying who is allowed to set up tables and chairs.

#### **ALTERNATIVES:**

The City Council can choose to leave the Code as is and require SAMHD to continue to make adjustments and policy changes to address the shift in the mobile food truck industry.

#### **FISCAL IMPACT:**

The overall impact resulting from the proposed changes is expected to be minimal.

**RECOMMENDATION:**

Staff recommends approval of the recommended changes to Chapter 13, "Food and Food Handlers".