

ORDINANCE NO. 8187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-5, TO UPDATE DEFINITIONS, PROVIDE CLARITY ON THE FEE ASSESSMENT PROCESS FOR PUBLIC AND PRIVATE SCHOOLS AND CHILD-CARE FACILITIES, ELIMATE LANGUAGE FOR VENDED WATER ALREADY CONTAINED WITHIN STATE LAW, AND EXPAND ACCEPTABLE QUALIFICATIONS FOR GREASE TRAP/INTERCEPTOR DESIGN AND INSTALLATION; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Amarillo recognizes the importance of adding and clarifying definitions within the Municipal Code to ensure clear understanding and consistent application of public health regulations for businesses and regulatory authorities alike

WHEREAS, the City Council of the City of Amarillo seeks to revise the annual Food Hygiene fees to provide clarity on the assessment process for public and private schools, as well as child-care facilities;

WHEREAS, the laws governing bottle and vended water are found within state law and no longer should be regulated by city ordinance; and

WHEREAS, the City Council of the City of Amarillo aims to improve the management of Fats, Oils, and Grease by broadening the qualifications for professionals authorized to design and size grease traps and interceptors, while ensuring compliance with local standards and establishing clear design criteria; and

WHEREAS, these amendments are in accordance with public health objectives and are intended to enhance operational clarity for businesses while ensuring consistent regulatory standards within the Amarillo community.

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

SECTION 1. The Amarillo Municipal Code, Chapter 8-5, Article I, Section 8-5-1 be and hereby is amended as follows:

[Note to codifier: Insert these new definitions in alphabetical order with the existing definitions.]

Sec. 8-5-1. – Definitions

Extensively remodeled: For purposes of Chapter 8-5 Public and Environmental Health, Article IV Environmental Health, "extensively remodeled" means an improvement, or a series of improvements performed within a six (6) calendar month period, where the total cost equals or exceeds thirty percent (30%) of the value of the permitted facility (e.g., Food Establishment, Group Care Facility, Recreational Water Unit, On-Site Sewage Facility) prior to the improvement(s).

Re-inspection Fee: In addition to the annual permit fee charged under Section 8-5-3, a Re-inspection Fee shall be charged per inspection in all cases where additional inspections are required due to the failure of any Food Establishment, On-Site Sewage Facility installation, Public Swimming Pool, Spa, or PIWF to comply with Environmental Health Department requirements. Additionally, a Re-inspection Fee will be charged when uncorrected violations necessitate further inspections for compliance or when the same violation is documented across multiple inspections. Re-inspection Fees must be paid prior to the Environmental Health Department conducting an opening inspection (for a closed facility), prior to conducting additional inspections of an On-Site Sewage Facility, or within thirty (30) days of the assessment of the fee in all other instances. If the Re-inspection Fee is not paid, the permit to operate will be suspended until the fee is paid. Any appeal of a suspended permit shall follow the procedures described in Section 8-5-24.

~~Reinspection Fee: In addition to the annual permit fee charged under Section 8 5 3, there shall be charged a Reinspection Fee per inspection in all cases where additional inspections are required because of failure of any Food Establishment, On Site Sewage installation, public swimming pool, spa, or PIWF to comply with Environmental Health Department requirements.~~

Risk Assessment: Studies have shown that the types of food served, the food preparation processes used, the volume of food, and the population served all have a bearing on the occurrence

of foodborne illness risk factors in retails and foodservice establishments. Using the Risk Assessment found the Texas Administrative Code, Title 25, Part I, Chapter 228, Subchapter A, Rule § 228.1(b), Food Establishments will be grouped into one of four (4) categories annually that will determine their inspection frequency.

SECTION 2. The Amarillo Municipal Code, Chapter 8-5, Article IV, Section 8-5-15 be and hereby is amended as follows:

Sec. 8-5-15. - Fees.

(b) *Food Hygiene Fees:*

(1) [No Change]

(2) Annual permit fee will be based on square footage of the structure or assigned tenant space if within a mall/strip center, or otherwise stated in subsection (b)(3-1214)

0 to 15,000 sq ft\$650.00 per establishment

15,001 and Over sq ft\$850.00 per establishment

(3-12) [No Change]

(13) Public and private grade schools will be assessed the lower permitting rate used in section 8-5-15(b)(2) unless otherwise stated in subsection 8-5-15(b)(3-14).

(14) Child-care facilities that hold both a Food Hygiene permit and obtain an annual

Environmental inspection under 8-5-15(c)(1) shall be assessed no more than the higher permitting rate used in section 8-5-15(b)(2) combined between both permits.

SECTION 3. The Amarillo Municipal Code, Chapter 8-5, Article IV, Section 8-5-21 be and hereby is amended as follows:

Sec. 8-5-21 – Additional Requirements for Food Establishments ~~and Vended Water or Ice.~~

(a-c) [No Change]

~~(d) Water and ice vending device requirements.~~

~~(1) Devices. This section applies to all mechanical devices or systems designed and intended for the automated self serve vending of potable water, ice, or both to the public as a retail sale. Such devices are hereafter referred to as "water dispensing device." All such vending devices shall:~~

- ~~a. Obtain water from an approved water supply;~~
- ~~b. Be designed and constructed to allow for the proper cleaning and maintenance of all surfaces and components in the interior and exterior of the units;~~
- ~~c. Constructed of materials that are smooth, durable, easily cleanable, non absorbent and corrosion resistant;~~
- ~~d. Designed and constructed so water is treated by distillation, ion exchange, filtration, ultraviolet light, reverse osmosis, mineral addition or any combination of the previously mentioned methods and is completed in an effective manner;~~
- ~~e. Have an effective collection system to handle any drip, spillage or overflow of water;~~
- ~~f. Have an approved backflow prevention device for all potable water connections;~~
- ~~g. Disinfect the vended water by ultraviolet light or another approved method immediately prior to vending;~~
- ~~h. Comply with the American Water Works Association (AWWA) specifications for granular activated carbon if used in the treatment of water (AWWA B604-74);~~
- ~~i. Be maintained in a clean and sanitary condition;~~
- ~~j. Be kept free of dirt and vermin;~~
- ~~k. Have a recessed or guarded corrosion resistant dispensing spout;~~

~~l. Be equipped with a monitoring device that is designed to cease operations of the machine in the event of the disinfection unit failure;~~

~~m. Be equipped with a self-closing, tight-fitting door or other acceptable means on the vending compartment;~~

~~n. Display the following information in a location clearly visible to all patrons, either on the structure housing the water dispensing device or immediately next to such device or:~~

~~1. Name and Address of the owner and, if different, then also the operator;~~

~~2. A statement that indicates that the water was obtained from an approved source;~~

~~and~~

~~3. A local or toll-free phone number for further information, service, or complaints.~~

~~(2) Records and testing. Service, sampling, testing, and record-keeping shall meet the following requirements:~~

~~a. All parts and surfaces of the water dispensing device shall be maintained in a clean condition. The dispensing chamber and nozzle shall be cleaned each time the unit is serviced, and all parts of the vending unit shall be deposit-free and visibly clean. Cleaning and maintenance records shall be maintained for two (2) years and made available upon request;~~

~~b. A satisfactory bacteriological analysis must be conducted every once every ninety (90) calendar days and if requested shall also be analyzed for other physical, chemical or microbiological parameters. Records shall be maintained for two (2) years and made available upon request;~~

~~e. All bacteriological analysis that have a positive result for Coliform, Fecal Coliform, E. Coli, or other fecal indicator organisms must be reported to Environmental Health within twenty four (24) hours. Unit must cease operations immediately, remediate the water system by disinfection and have a negative bacteriological analysis prior to requesting permission to resume operations;~~

~~d. Each water dispensing device shall maintain a written maintenance program that includes servicing instruction for the operation, technical manuals for the machine and records of service. The written maintenance program shall be available upon request;~~

~~e. The operator shall clean and perform servicing of the water vending machine at minimum of once per month or at a frequency required by the manufacturer if more often. More frequent cleaning and servicing may be required to maintain sanitation.~~

~~(3) Permits and Inspections. Each water dispensing device shall have a valid State permit, if and as required by the State. In addition, each water dispensing device shall have a valid Food Establishment Permit from the Environmental Health Department. Each water dispensing device and the structure in which it is housed is subject to periodic inspection by the Texas Department of State Health Services and the City of Amarillo.~~

SECTION 4. The Amarillo Municipal Code, Chapter 8-5, Article IV, Section 8-5-27 be and hereby is amended as follows:

Sec. 8-5-27. – Management of Fats, oils and grease.

(a-c) [No Change]

(d) Installation and Maintenance Requirements.

(1) [No Change]

(2) Existing Facility. An existing covered facility which will be expanded or extensively renovated for a new or existing business, or that changes owners, shall be required to design, install, operate and maintain a grease trap or grease interceptor in accordance with locally adopted plumbing codes, this section and any other applicable ordinance or guideline as required. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy and a Food Hygiene permit. ~~For purposes of this subsection, "extensively renovated" means an improvement (or, a series of improvements performed or started within a six (6) calendar month period), the total cost of which equals or exceeds thirty (30) percent of the value of the facility prior to the improvement(s).~~

(3) [No Change]

(e) *Design Criteria.* In order to meet the requirements of this section, a grease trap/interceptor design shall:

(1-3) [No Change]

(4) Be constructed with a minimum of one (1) baffle wall. Hydromechanical units can be used if properly sized and designed by a Licensed Professional Engineer, Master Plumber, the City of Amarillo Environmental Health department, or in certain instances, the product manufacture. The Director of Environmental Health has discretion to require a Licensed Professional Engineer in certain circumstances when deemed necessary.

(5-6) [No Change]

(7) Be constructed with Tank Tees on both the inlet and outlet installed to a length of 18" off the bottom. Manufacture specifications differing from this requirement will be accepted if provided in a design cut sheet.

(f) Sizing Requirements.

(1) Sizing methods must be conducted in accordance with the Amarillo Area Public Health District's locally adopted Grease Interceptor Sizing Worksheet, or the locally adopted plumbing codes.

(2) [No Change]

(3) A covered facility that proposes to use alternate sizing techniques and/or procedures that result in specifications that differ from the above calculation requirements, must submit alternative plan and calculations to support a proposed alternate grease trap/interceptor size.

The alternative method submittal shall include the following minimum information:

- i. All calculations with recommended sizing for the specific site;
- ii. Site-specific drawings of the proposed grease trap/interceptor installation to include all service lines and connections.
- iii. Documentation from the manufacturer showing the ability of the proposed grease trap/interceptor will meet the effluent quality requirements; and
- iv. Plans and calculations signed and sealed by a Licensed Professional Engineer, Master Plumber or in certain instances, the product manufacture. The Director of Environmental Health has discretion to require a Licensed Professional Engineer in certain circumstances when deemed necessary.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof

or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6. Repealer. Subject to the provision in Section 13 (Continuation of Prior Law), all ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 7. Continuation of Prior Law. That nothing in this ordinance (or any code adopted herein) shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; no shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 8. Penalty. A violation of this ordinance is a health and safety offense punishable as a health and safety violation, in accordance with Section 1-1-5 of this Code of Ordinances.

SECTION 9. Publication. This ordinance shall be published as required by law.

SECTION 10. Effective Date. This ordinance shall become effective ten days after the date of its second publication as required by the Charter of the City of Amarillo.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 25th day of March 2025; and PASSED on Second and Final Reading the 8th day of April 2025.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney