



# Round Rock Food Establishment Ordinance

## 1 INTRODUCTION

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The Williamson County and Cities Health District (WCCHD) is proud to serve as Round Rock's public health department since 1943. WCCHD provides a wide array of services to the citizens of Round Rock including immunizations; disease investigations; clinical services; environmental health services; community health education and wellness promotion; and women, infants, and children (WIC) encounters. The Retail Food Program is part of the Environmental Health Services Division. The Food Program staff conduct numerous food safety activities in Round Rock in an effort to enforce the Round Rock Food Establishment Ordinance, promote safe food and reduce foodborne illness.

## 2 HISTORY OF THE ROUND ROCK FOOD ORDINANCE

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The first City of Round Rock Food Ordinance was adopted in 1985. The enforcement of the ordinance, including inspections and permitting, was delegated to what was then the Williamson County Health Department. This first ordinance established the longstanding partnership with WCCHD's Environmental Health Services Division and the City to promote safe food and prevent foodborne illness by compliance with the retail food regulations. The ordinance adopted the State's food regulations by reference. The States' food regulations are based on science and best practices and are the minimum standards for Texas. The adoption by reference has continued as the City's ordinance has been amended.

The Round Rock Food Ordinance was amended in 1995 to reflect the change in the State's retail food regulations. Increases were made to the fee schedule. The Round Rock Food Ordinance was amended again in 2003 and renamed as the Round Rock Food Establishment Ordinance to mirror significant revisions in the Texas Food Establishment Rules (TFER). Changes were made to update current definitions and changes in best practices. The permit fees were increased in some levels and details regarding enforcement procedures were added.

On March 6, 2008, the WCCHD Board of Health approved a new fee schedule after Senate Bill 1380 was adopted in 2007 by the Texas Legislature. The legislation removed the cap of \$300 and allowed a public health district to collect and increase fees in a uniform manner in order to cover the cost of services. The retail food program is entirely funded by fees and does not depend on local health district member funding or general revenue. The Executive Director of the Health District sent correspondence to the City Manager advising of the fee increases. The Round Rock Food Ordinance was not amended at that time to reflect the increases in the fee schedule.



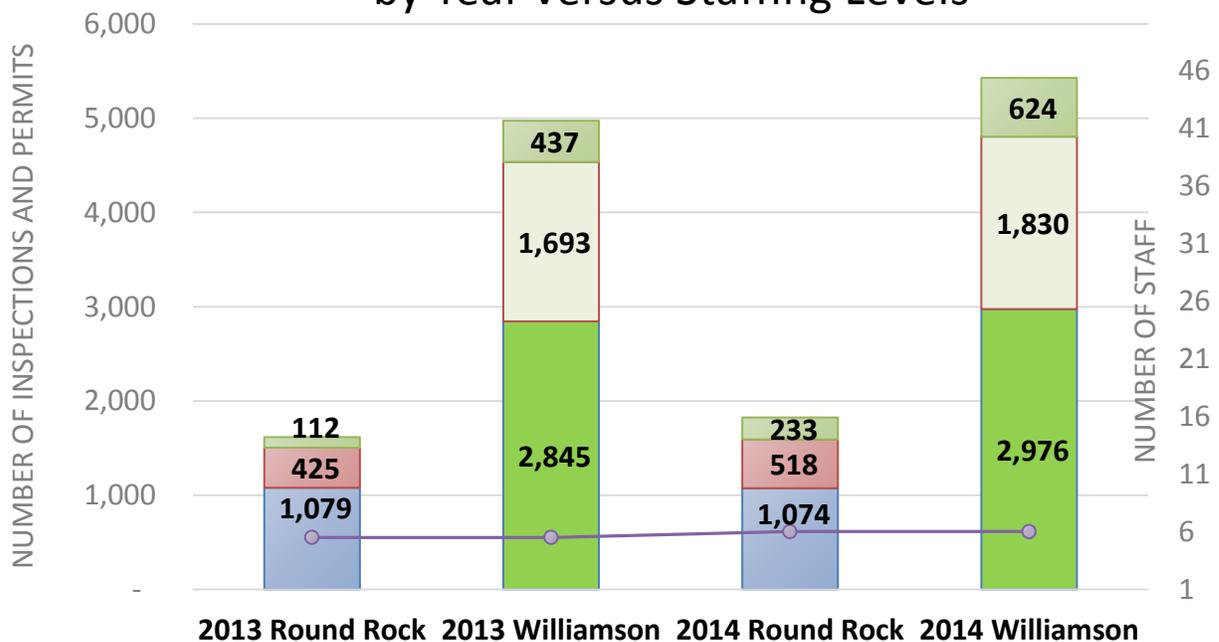
The City of Round Rock adopted an amendment to the ordinance on July 23, 2009 that changed the definition of Temporary Food Establishment. The revision allowed for the permitting and inspection of temporary food establishments that operate longer than 4 hours.

### 3 OVERVIEW OF THE WCCHD RETAIL FOOD PROGRAM

The WCCHD Retail Food Program enforces the provisions of 12 city food ordinances and the health district’s food order. The program currently permits approximately 1,878 food establishments, including mobile food establishments and schools. Of this 2015 (to date) number, 559 food establishments are permitted in Round Rock. An additional 139 Temporary Establishment Permits have been issued for Round Rock. The total county number of Temporary Food Establishment Permits is 447 for 2015.

The Food Program staff conduct routine inspections, food safety complaint investigations, compliance inspections, and plan reviews of new food establishments to ensure compliance with the regulations and prevent foodborne illness. The staff works with the WCCHD Disease Control and Prevention Team to investigate foodborne illnesses. To date in 2015, the staff have conducted 694 inspections, 40 complaint investigations and 37 plan reviews in Round Rock. The chart below illustrates the number of services that the staff conducted for Round Rock in 2013 and 2014 and includes the total numbers conducted county-wide. Round Rock, as the largest city on Williamson County, receives a large percentage of the workload.

**Retail Food Workload in Round Rock  
by Year versus Staffing Levels**





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Current staff composed of 1 team leader, 5 field inspectors, and 2 customer service representatives. All food safety inspection officers (inspectors) are trained and standardized in accordance to state and federal recommendations for a competent workforce.

All cities within Williamson County require that food handlers working in a retail food establishment have a Food Handler Registration Card issued by the (WCCHD). WCCHD retail food program staff conduct in-house classroom Food Handler Training. Online Food Handler Training by a contract vendor is also offered. Food Handler Training by other licensed or accredited programs is accepted with additional registration be WCCHD.

## 4 RETAIL FOOD PROGRAM STANDARDS

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WCCHD is enrolled in the U.S. Food and Drug Administrations' Voluntary National Retail Food Regulatory Program Standards (Program Standards). The Program Standards are promoted and supported by the Texas Department of State Health Services (DSHS), local health departments, other state agencies, and federal agencies. There are currently 62 local health departments in Texas enrolled in the Program Standards.

The Program Standards serve as a guide to regulatory retail food program managers in the design and management of their programs. They establish a recommended framework for a regulatory program. The Program Standards are considered best practices and are based on the concept of continuous quality improvement. The goal is achieve national uniformity among regulatory programs and is greatly encouraged the retail food industry.

Active managerial control of the risk factors associated with foodborne illness is promoted. This means that the retail food program staff work closely with food establishment owners to understand how to achieve compliance. Time is needed to educate and provide guidance to the owners and goes beyond the regulatory inspections.

There are 9 separate Program Standards as listed as follows: 1. Regulatory Foundation; 2. Trained Regulatory Staff; 3. Inspection Program Based on HACCP Principles; 4. Uniform Inspection Program; 5. Foodborne Illness and Food Defense Preparedness and Response; 6. Compliance and Enforcement; 7. Industry and Community Relations; 8. Program Support and Resources; and 9. Program Assessment. WCCHD believes that meeting and following the recommendations of the Program Standards will provide for the best services for the citizens of Round Rock and Williamson County.

## 5 WILLIAMSON COUNTY FOOD SAFETY WORKING GROUP

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The concept of forming a Williamson County Food Safety Working Group began in January 2014 as a result of the 83<sup>rd</sup> Session of the Texas Legislature. Statues were amended relating to Cottage Food Production Operations and Farmers' Markets. A letter was sent by Dr. Riggins, Executive Director of WCCHD, to the elected officials and city managers in Williamson County. He asked for assistance in



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identifying constituents to participate on standing Food Safety Working Group. The first charge of the working group would be to review and address the legislative changes made in 2013.

The Working Group was formed and the first meeting was held on May 14, 2015. Members include representatives from WCCHD member cities, the retail food store industry, retail food establishments, food safety professionals, the Farmers' Markets organizations, agricultural agencies and community partners. The goals and charges were discussed and approved at the first meeting and are as follows:

1. Review and discuss possible regulatory oversight of Farmer's Markets
2. Review of current fee structure, funding strategies and proposal of revisions to fee categories and levels
3. Review of City Food Ordinances, County Food Order and Food Establishment Rules
4. Review of enforcement strategies, policies and variance procedures
5. Review of evolving food safety principles and practices and food industry trends, including the increase of the mobile food establishments
6. Discuss food safety interventions in the prevention of foodborne illness disease, including public and consumer education

The Working Group reviewed the current lack of regulatory oversight of Farmer's Markets and agreed that the vendors selling the Time/Temperature Controlled for Safety (TCS) foods need to be monitored for holding temperature and approved source requirements. A Farmers' Market is not defined as a food establishment and does fall under the regulatory provisions of TFER. A new WCCHD Farmers' Markets Order was submitted through the rule-making process, including presentation at two public hearings, and was adopted on November 6, 2014. The first charge of the Working Group was achieved.

The next charge of the Working Group was to review the current fee structure and determine whether the fees needed to be aligned with the county's growth and increase in number of food establishments. They reviewed the 2013 Retail Food Program Budget (the 21014 budget information was not complete). This document is included as Attachment 1. The Working Group also compared the WCCHD permit fees with those of other health departments. This document is also included as Attachment 2 for review. The Working Group made the recommendation to raise fees and discussed different levels of a possible fee schedule. The third attachment is the document used for discussion. The decision was made to raise all levels of fees by \$50 to minimize the impact on any single level food establishment.

## 6 MAINTAIN SERVICES BY INCREASING FEES

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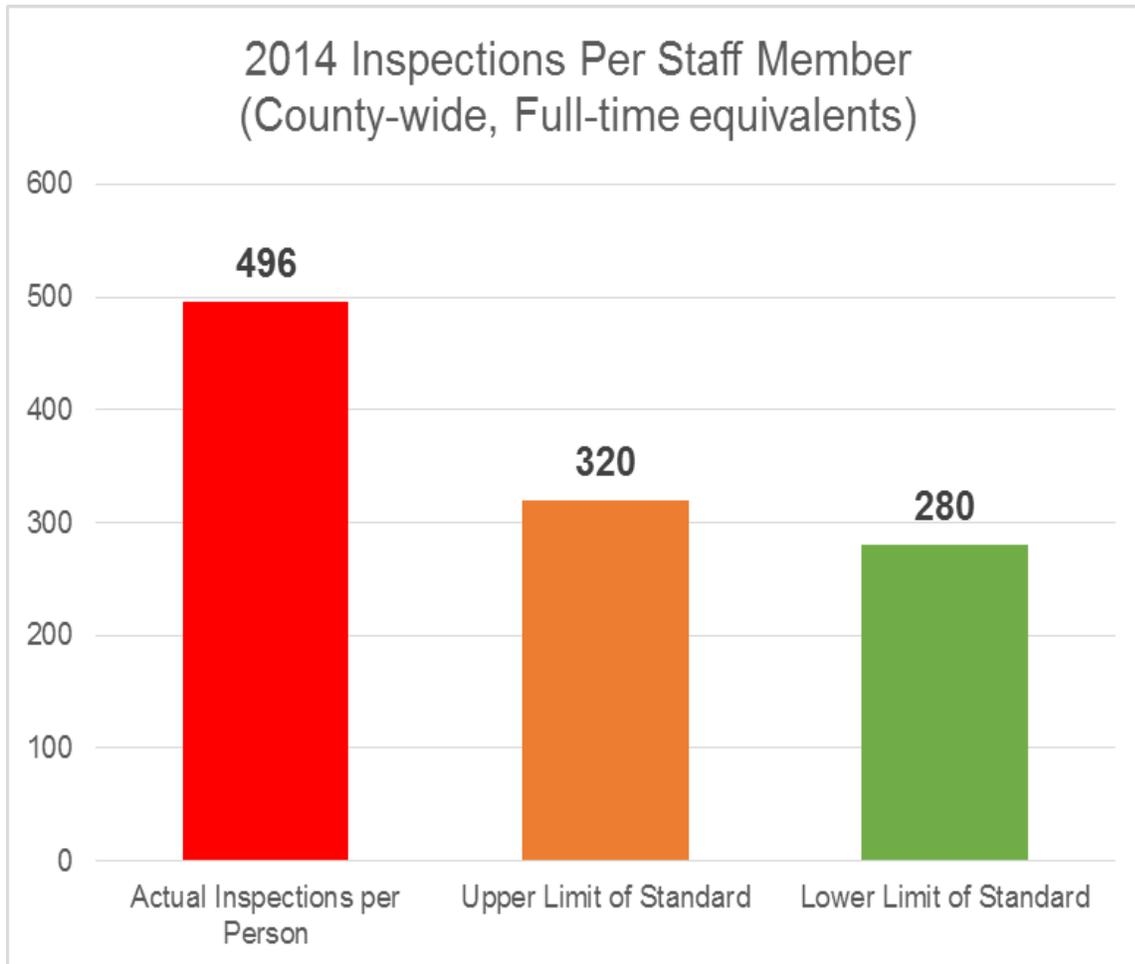
The citizens of Round Rock have a good understanding of food safety principals and have knowledge and concerns of foodborne illness. They have high expectations of their health department and want the restaurants to be inspected, the food handlers to be trained, and their complaints investigated in a timely manner. These assumptions can be made from the number of complaints and calls regarding food safety issues.

The citizens also expect guidance and support when they want to open a new food establishment or try and new specialized food process. A trained, competent and responsive food program staff is required to assist and educate the community.



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The Program Standards, Standard 8, Program Support and Resources, recommend a staffing level of 1 FTE for every 280 – 320 inspections. In 2013 the inspection staff averaged 517 inspections per year and in 2014 averaged 496 inspections (1/2 FTE was added). The chart below illustrates that we are falling far below the recommendation needed to provide the services needed by our citizens.



The Program Standards also provides recommendations for resources such as up-to-date inspection equipment and administrative support. A good database is required to maintain inspection data, run, analyze, and report information

## 7 SUMMARY OF ORDINANCE CHANGES

The following as a summary of the changes that are being proposed in the revised Round Rock Food Ordinance:

- Added reference to 25 TAC 228 to be adopted by reference when it is adopted as the new TFER



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- Added a definition for “Nonprofit Organizations”.
- Added exemption of Nonprofit Organizations from payment of permit fees for Temporary Food Establishments. They must continue to meet minimum standards for food safety as required in the Texas Food Establishment Rules (TFER).
- Changed wording under “Review of Plans” to define when those are to be conducted and the information to be included.
- Changed wording on requirements for Food Handler Cards, removed Train the Trainer option, as we no longer offer that course, and indicated a 2 year validation of those cards.
- Added requirement for Certified Food Protection Manager, requiring all establishments to employ at least one individual who holds this certificate.
- Changed how we determine Frequency of Inspections to indicate the use of a risk based assessment of all food establishments to determine the number of inspections required per year. The risk of an establishment is determined by the Inspection Frequency Assessment, a standard developed by DSHS. The frequency is determined by policy, with more inspections for higher risk establishments.
- Fee Schedule Alignment – added as a separate appendix. Will allow for future changes, without amending the other provisions in the ordinance.

## 8 DETAILS OF FEE CHANGES

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The proposed fee schedule was recommended by the Food Safety Working Group. All levels of food establishments, based on the number of employees, were increased by \$50 from the current fee schedule. (As a reminder the fee schedule in the current ordinance does not reflect the changes made in 2008.) The lowest level increased from \$150 to \$200 and the highest increased from \$700 to \$700. Only very large food establishments, with more than 46 employees fall into this category. Most food establishments fall into the lowest two categories, as indicated in Attachment 3 with the 2014 data.

The Temporary Food Establishment Permit will increase from \$35 to \$50 to provide review and an inspection of all applicants. The Temporary Food Establishment Permit is waived for the Non-Profit Organizations, in order to support the fund-raising efforts of these organizations.

Lastly, two fees that pertain to compliance and enforcement were added and clarified. A \$100 compliance inspection fee and a \$150 reinstatement fee following a permit suspension were added. The annual permit fees will cover the cost of routine inspections. The extra inspection time and efforts needed to ensure compliance and verify correction of violations will be covered and charged to food establishments that are not in compliance with the regulations.



## 9 NEXT STEPS

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The City of Round Rock was selected by the Food Safety Working Group to be the first city to amend their food ordinance because the greatest number of food establishments are located within the city. Two of the City staff participated on the Working Group to assist in the amended language.

If the ordinance is approved, a proposal will be made to the WCCHD Board of Health to approve the same fee schedule for all Williamson County and Cities. This ability to charge a uniform fee, mirrored after one member city, is provided by the Texas Health and Safety Code, Section 121.006. The permit renewal fees will be assessed and processed for 2016 and the permit renewal applications will be mailed reflecting the new fee schedule.

WCCHD will hire additional FTEs to conduct the retail food inspections with the revenue generated by the increased fees. The exact number of FTEs will be determined by the increase in the number of food establishments.

WCCHD will also begin the process of updating the WCCHD Food Order to follow the language of the amended Round Rock Food Ordinance. The recommendation to update the WCCHD Food Order was approved at the last meeting of the Food Safety Working Group. Finally, WCCHD will recommend the amended Round Rock Food Ordinance language to any city in Williamson County that wants to update their ordinances.