

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Public Health

**AGENDA DATE:** March 30, 2021

**PUBLIC HEARING DATE:** April 13, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Angela Mora, (915)-212-6502

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** 8

**SUBGOAL:**

**SUBJECT:**

An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), Section 9.12.010 (Definitions) to include "Kiosk" as an "Establishment" as defined by Title 9; and to add a definition of "Kiosk"; and Section 9.12.070 (License-Categories-Term) to add "Kiosk" as a license category; the penalty as provided in Section 9.12.890 of the City Code.

**BACKGROUND / DISCUSSION:**

This item will make it easier to identify Kiosk's, such as at the mall when doing inspections. Previously the only indicator that we had was mobile and fixed establishments which is not a correct identifier for Kiosk type businesses.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** Angela Mora



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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS), SECTION 9.12.010 (DEFINITIONS) TO INCLUDE “KIOSK” AS AN “ESTABLISHMENT” AS DEFINED BY TITLE 9; AND TO ADD A DEFINITION OF “KIOSK”; AND SECTION 9.12.070 (LICENSE-CATEGORIES-TERM) TO ADD “KIOSK” AS A LICENSE CATEGORY; THE PENALTY AS PROVIDED IN SECTION 9.12.890 OF THE CITY CODE.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:**

**Section 1.** That Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), Section 9.12.010 (Definitions), shall be amended to amend the definition of “Establishment” and to add a definition for “Kiosk,” both in alphabetical order, as follows:

"Establishment" means food product and food service establishments, including temporary, recurrent, seasonal, mobile, outdoor market, nonprofit, Kiosk, and care facilities, and excluding a food product or food service establishment that offers only prepackaged foods that are not time/temperature controlled for food safety, a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, a cottage food industry, an area where cottage food is prepared, sold or offered for human consumption, a Bed and Breakfast Limited Facility, or a private home that receives catered or home delivered-food as set forth in 25 Texas Administrative Code Section 228.2 Definitions, Subsection 57(D).

“Kiosk” means an Establishment that is a fixed or temporary structure, 100 square feet or less in size, which handles only precooked or ready-to-eat Exposed food. A kiosk is not limited to a single fixed or temporary structure. There can be multiple fixed or temporary units, or a combination of both, joined to form a structure not to exceed 100 square feet. The definition includes structures that operate on either a permanent or a temporary basis, regardless of whether the structure is connected to a sewer system or water system. When a permanent connection to water is not feasible, a Kiosk will be subject to 25 Tex. Admin. Code § 228.221 (7) (8), (9), and (10).

**Section 2.** That Title 9 (Health and Safety), Chapter 9.12 (Food and Handling Establishments), Section 9.12.070 (License-Categories-Term), Subsection “J”, shall be amended as follows:

J. Establishment operating as a Kiosk.

ORDINANCE NO. \_\_\_\_\_

21-11052-1115 | 1063870

TITLE 9 – Amendment to add “Kiosk” to Title 9 provisions

**Section 3.** Except as herein amended, Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments) of the El Paso City Code shall remain in full force and effect.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.


**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser, Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine

**APPROVED AS FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Angela Mora, Director  
Department of Public Health

ORDINANCE NO. \_\_\_\_\_

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TITLE 9 – Amendment to add “Kiosk” to Title 9 provisions