

## ORDINANCE NO. 7626

AN ORDINANCE AMENDING IN PART SECTION 228.247, "PERMITS," OF THE TEXAS FOOD ESTABLISHMENT RULES AMENDMENTS, AS ATTACHED TO SECTION 22.26, "AMENDMENTS MADE TO THE TEXAS FOOD ESTABLISHMENT RULES," OF CHAPTER 22, "HEALTH," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

### Section 1

That Section 228.247(e), "Denial of permit," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

(e) Denial of permit. The regulatory authority may deny issuance of a permit to applicants who have not met the standards of this article; intentionally provide false information to the regulatory authority; or filed incomplete permit applications; ~~operated a food establishment that has had the permit revoked within the previous three years.~~ Any person who has had their permit application denied, shall, upon written request to the regulatory authority, be afforded a hearing before the ~~City Council~~ Property Standards Board as soon as practicable, but not later than thirty (30) days from the denial.

### Section 2

That Section 228.247(f), "Suspension of permits," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

(f) Suspension of permits. Permits may be suspended by the regulatory authority for repeated failure of the permit holder to comply with the requirements of this article. Whenever a permit holder or operator has failed to correct a violation after receiving two (2) written notices for the violation or received a score of sixty-nine (69) or below on an unannounced food service inspection, the regulatory authority may suspend the permit. The permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the permit holder. Notwithstanding the other provisions of this article, whenever the regulatory authority finds unsanitary or other conditions in the operation of a food service establishment which constitute a substantial hazard to the public health, a written notice may be issued to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately suspended and all food service operations are to be immediately discontinued. If the permit is suspended, a "Closed by Order of Garland Health Department" sign shall be placed on the entrance to the food establishment in plain view of the public. No person may remove, cover, alter, deface, or otherwise make unreadable said sign. Any person to whom such an order is issued shall comply immediately therewith, but, upon written request to the regulatory authority, shall be afforded a hearing before the City Manager or his or her designee ~~Council~~ as soon as practical, but not later than thirty (30) days from the ~~suspension~~ denial. Upon a suspension under this section, the permit holder or operator shall pay a reinspection fee as authorized by Section 437.0126, as may be amended, of the Health and Safety Code prior to reopening the food service establishment following suspension.

### Section 3

That Section 228.247(h), "Revocation of permits," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

(h) Revocation of permits. A permit may be ~~permanently~~ revoked for serious or repeated violations of any of the requirements of this article, for interference with an employee of the regulatory authority in the performance of his or her duties, or for having scored ~~fifty-sixty--nine~~ (69) or below on three or more unannounced food service inspections within a twenty-four (24) ~~n--eighteen~~ month period. Prior to such action, the regulatory authority shall notify the permit holder in writing, stating with reasonable particularity the reasons for which the permit is subject to revocation, and advising that the permit shall be ~~permanently~~ revoked at the end of five days following service of such notice, unless a request for a hearing ~~contesting~~ appealing the decision is filed with the regulatory authority within such five day period. The appellate hearing pursuant to this section shall be heard by the Property Standards Board ("PSB"). Upon the filing of the permit holder's request for appeal, the PSB shall set a time and place for the hearing with thirty (30) days of such request. At the hearing, either side may present testimony and evidence supporting its position. At the conclusion of the hearing, the PSB shall either (1) affirm the decision to revoke the permit, or (2) reverse the decision to revoke the permit. The decision by the PSB is final. A permit shall be suspended pending its revocation or pending any hearing contesting the proposed revocation.

#### **Section 4**

That Section 228.247(i), "Hearings," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

- (i) Hearings. Unless otherwise specified, the hearings provided for in this section shall be conducted by the Property Standards Board~~City Council~~ at a time and place designated by ~~them~~it. The Property Standards Board~~City Council~~ shall make a finding and shall either sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished upon request to the permit holder by the regulatory authority.

## Section 5

That Section 228.247(j), "Future operations prohibited," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

(j) Future operations prohibited. Any person whose food establishment permit has been revoked shall for a period of three years be prohibited from operating, being employed within, or in any way being associated with the operation of any food establishment located ÷

~~(1) At the address of the food establishment whose permit was revoked; or~~

~~(2) At any other food establishment within the City.~~

## Section 6

That Section 228.247(1), "Posting of food inspection scores," of Section 228.247, "Permits," of the Texas Food Establishment Rules Amendments attached to Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

(1) Posting of food inspection scores. All food establishments shall post, on a form provided by the regulatory authority to be printed in landscape format on 8.5"x11" paper, the most recent unannounced inspection score or scores (if two or more scores are available for the food establishment). The form shall be placed on or near the front entrance of the food establishment as that it is easily in plain view to the public. No person may remove, cover, alter, deface, or otherwise make unreadable the posted form. The form shall remain posted until a new scoring form is issued by the regulatory authority for the food establishment, at which time the new scoring form shall be posted.

### **Section 7**

That Chapter 22 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

### **Section 8**

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

### **Section 9**

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

### **Section 10**

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

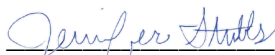
**PASSED AND APPROVED** this the 2nd day of September, 2025.

**CITY OF GARLAND, TEXAS**



\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

**PUBLISHED: 9-11-2025  
9-15-2025**