

TRAVIS COUNTY POLICY, PROCEDURE AND REGULATIONS MANUAL
TITLE V. HEALTH AND PUBLIC SAFETY
SUBTITLE A. HEALTH

CHAPTER 47 - FOOD ESTABLISHMENT PERMITS

THE TRAVIS COUNTY COMMISSIONERS COURT HEREBY ISSUES THIS ORDER REQUIRING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, ROADSIDE FOOD VENDORS, AND ANY OTHER RELATED ESTABLISHMENT COVERED BY RELEVANT STATE LAW OR RULES ESTABLISHED UNDER STATE LAW WITHIN AREAS OF JURISDICTION OF TRAVIS COUNTY TO OBTAIN A PERMIT TO OPERATE.

47.001 INTRODUCTION

(a) Authority. Chapter 437 of the TEXAS HEALTH AND SAFETY CODE grants counties the authority to require Food Service Establishments, Retail Food Stores, Mobile Food Units and roadside food vendors to obtain a Permit to operate; and

(b) Public Hearing. The Travis County Commissioners Court has conducted a public hearing pursuant to Section 437.005 of TEXAS HEALTH AND SAFETY CODE;

NOW, THEREFORE, BE IT ORDERED, by the Commissioners Court of Travis County, Texas, that the following procedures shall apply to all phases of the issuance of that Permit.

47.002 DEFINITIONS.

(a) In this Order:

(1) "Applicant" means any Person who is preparing or has filed an application for a Permit pursuant to this Order.

(2) "Auditor" means the Travis County Auditor.

(3) "Authorized Agent(s) or Employee(s)" means Personnel of the Austin/Travis County Health and Human Services Department who have satisfactorily completed a Texas Department of Health training exercise on the interpretation and application of State Food Sanitation Rules.

(4) "Bed and Breakfast Extended" means an establishment with more than seven rooms for rent or that provides food service other than breakfast to overnight guests.

(5) "Bed and Breakfast Food Establishment" means an establishment that provides food service other than to its overnight guests.

(6) "Bed and Breakfast Limited" means an establishment with seven or fewer rooms for rent that serves only breakfast to overnight guests

(7) "Child Care Center" means any facility licensed by the regulatory authority to receive thirteen (13) or more children for child care which prepares Food for on-site consumption.

(8) "Commissioners Court" means the Travis County Commissioners Court.

(9) "County" means Travis County, Texas.

(10) "Director" means the Director of the Austin/Travis County Health and Human Services Department or the Director's Authorized Agent(s) or Employee(s).

(11) "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption, or chewing gum.

(12) "Food Establishment" means an operation that:

A. stores, prepares, packages, serves, or otherwise provides Food for human consumption (such as a Food Service Establishment, Retail Food Store, satellite or catered feeding location; catering operation, if the operation provides Food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank), and

B. that relinquishes possession of Food to a consumer directly or indirectly through a delivery services such as home delivery of grocery orders or restaurant takeout orders, or delivery services that is provided by common carriers; and

C. includes the following, whether consumption is on or off the premises and regardless of whether there is a charge for the Food: an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is Permitted by the regulatory authority; a restaurant; a grocery store; and operation that is conducted in a mobile, roadside, stationary, temporary, or permanent facility or location; Child Care Center; group residence; outfitter operations; Bed and Breakfast Extended and Bed and Breakfast Food Establishments; and

D. does not include the following: an establishment that offers only prepackaged Foods that are not potentially hazardous; a produce stand that only offers whole, uncut fresh fruits and vegetables; a Food processing plant; a kitchen in a private home if only Food that is not potentially hazardous is prepared for sale or service at a function, such as a religious or charitable organization's bake sale; a Bed and Breakfast Limited Facility as defined in this Order; or a private home.

(13) "Food Laws" means the state laws and rules adopted under state law governing Food Outlets including Chapter 431, TEXAS HEALTH AND SAFETY CODE and regulations of the Texas Department of Health, 25 TEX. ADMN. CODE, Sections 229.161 -.171 and 229.173 - .175, also known as the "Texas Food Establishment Rules."

(14) "Food Outlet" represents all establishments collectively included under state law and the rules adopted under state law to which this Order applies.

(15) "Food Service Establishment" means a Food Establishment where Food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term does not include private homes where Food is prepared or served for individual family consumption, Retail Food Stores, the locations of Food vending machines, or mobile Food vending operations.

(16) "Health Authority" means the Travis County Health Authority designated by the Commissioners Court or the Health Authority's designee.

- (17) "Mobile Food Unit" means a vehicle-mounted Food Establishment designed to be readily moveable.
- (18) "Mobile Food Vendor" means a Person who:
- A. Travels by any conveyance or walks from place to place transporting Food and offering the same for consumption with or without charge;
 - B. Without traveling from place to place, offers Food for consumption with or without charge from any conveyance; or
 - C. Solicits orders and as a separate transaction makes deliveries of Food products to purchasers.
- (19) "Permit" means authority to operate a Food Outlet pursuant to this Order.
- (20) "Permittee" means a Person to whom a Permit has been issued under this Order.
- (21) "Person" means any individual, trustee, partnership, association, corporation, government subdivision or agency, or other legal entity.
- (22) "Restricted Mobile Food Vendor" means a Mobile Food Vendor offering only prepackaged Food.
- (23) "Retail Food Store" means any Food Establishment or section of an establishment where Food and Food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared Food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous Foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; Food Service Establishments; farmers markets; mobile Food vending operations; or the location of Food vending machines.
- (24) "Temporary Food Establishment" means a Food Establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- (25) "Unrestricted Mobile Food Vendor" means a Mobile Food Vendor offering Food that is packaged or prepared on the mobile unit, including the slicing or peeling of fruits and vegetables.

47.003 AUTHORITY

This Order is adopted by the Commissioners Court acting in its capacity as the governing body of the County. The County adopts this Order under the authority of Chapter 437, TEXAS HEALTH AND SAFETY CODE, relating to the authority of counties to enforce state law and rules adopted under state law concerning Food Service Establishments, Retail Food Stores, Mobile Food Units, roadside Food vendors and other establishment covered by Food Laws.

47.004 PURPOSE

The purpose of this Order is to enforce state law and rules adopted under state law in order to protect the public health, safety, and welfare by requiring Food Outlets to obtain a Permit from the County to operate. This Order is not intended to establish standards for the operation of Food Service Establishments, Retail Food Stores, Mobile Food Units or roadside Food vendors.

47.005 AREA OF JURISDICTION

(a) Applicability. This Order shall apply to all of the areas of the County (including areas in the extraterritorial jurisdiction of a municipality) except for the areas within the boundaries of the incorporated cities and towns of the County.

47.006 EFFECTIVE DATE

All provisions of this Order shall become effective upon adoption by the Commissioners Court.

47.007 MISCELLANEOUS PROVISIONS

(a) Construction. This Order shall be construed liberally to accomplish its purpose.

(b) Interpretation. The Commissioners Court shall resolve any question regarding any interpretation of this Order.

(c) Precedents. To the extent of any conflict between this Order and a State law, or a rule adopted under a State law, the State law or rule adopted under a State law prevails.

(d) Conflict With the ALCOHOLIC BEVERAGE CODE. The extent of any conflict between this Order and the provisions of the ALCOHOLIC BEVERAGE CODE, the provisions of the ALCOHOLIC BEVERAGE CODE and the rules of the Alcoholic Beverage Commission shall control and prevail. No standard may be adopted under this Order that is more stringent than or that would have the effect of modifying a provision of or a standard imposed under the ALCOHOLIC BEVERAGE CODE or a rule of the Alcoholic Beverage Commission. No regulation under this Order may impose stricter standards on the premises or businesses having a license or Permit under the ALCOHOLIC BEVERAGE CODE than are imposed on similar premises or businesses that do not have such a license or Permit.

(e) Severability. If any provision of this Order, or the application thereof to any Person or circumstances, is held invalid, validity of the remainder of this Order and the application thereof shall not be affected.

47.008 EXEMPTIONS FROM COMPLIANCE WITH THIS ORDER

(a) Non-Profit Organizations. This Order does not apply to a non-profit organization operating a Food Outlet. This Order does not in any way impact the application of Food Laws to a Food Outlet operated by a non-profit organization.

(b) Proof of Non-Profit. Any organization claiming an exemption from this Order under Section 47.008(a) shall provide the Director with all information deemed necessary by the Director to determine whether the organization is a non-profit organization.

(c) Definition of Non-Profit. Non-profit organizations include any private, nonprofit, tax-exempt corporation under Section 501(c)(3), INTERNAL REVENUE CODE of 1986 [26 U.S.C. Section 501(c)(3)].

(d) Certain Bed and Breakfast Establishments.

(1) Bed and Breakfast Limited ("BBL"). Except as provided by Section 47.008(d)(3), a BBL is not a Food Service Establishment for purposes of this Order. An owner or manager of a BBL shall successfully complete a food manager's certification course accredited by the Texas Department of Health.

(2) Bed and Breakfast Extended ("BBE"). Except as provided by Section 47.008(d)(3), a BBE is a Food Service Establishment for purposes of this Order, but may not be required to meet all criteria

applicable to a larger Food Service Establishment such as a restaurant. A BBE must meet the specific requirements outlined in Section 229.174 of the Texas Food Establishment Rules (relating to BBE Establishments).

(3) **Bed and Breakfast Food Establishment ("BBFE").** A BBFE is a Food Service Establishment for purposes of this Order and is subject to all rules and regulations applicable to a Food Service Establishment.

47.009 NOTICE PROCEDURES

(a) **Method of Notice.** Any notice or notification required or Permitted to be given pursuant to this Order by one party to the other shall be in writing and shall be given and deemed to have been given immediately if delivered personally to the last known address of the party to whom notice is given, or on the third day following mailing if placed in the United States Mail, by certified or registered mail, return receipt required, postage pre-paid, addressed to the last known address of the party to whom notice is given.

(b) **Content of Notification by Director.** In any notification required or Permitted to be given by the Director under this Order, the Director shall state, as applicable in each situation, the nature of the relief sought, the location or unit for which relief is sought, the date, time, and place of the hearing, the legal authority and jurisdiction under which the relief is sought, a reference to the particular sections of the statutes, rules and/or Sections of this Order involved, and any additional information the Director may consider necessary.

(c) **Copy of Notice.** The Director shall retain a copy of any notice and/or notification required or Permitted by this Order in the Director's files.

47.010 FEES FOR PERMITS

(a) **Schedule of Fees.** To defray the reasonable costs of administering this Order, the Director shall require fees to be paid in accordance with this Order and a separate schedule established from time to time by the Commissioners Court. Unless otherwise provided, fees collected under this Order shall be deposited to the credit of a special fund of the County.

(b) **Special Fund.** All fees collected shall be deposited with the County Treasurer in a special fund of the County. Funds deposited in this special fund may only be expended for the expenses related to the issuance of Permits and inspections required by this Order.

(c) **Collection of Fees.**

(1) Except as provided in Section 47.010(c)(2) of this Order, the Director shall accept all applications and collect all fees set by the Commissioners Court.

(2) The Director shall not require the payment of any fees for an application for a Permit or renewal Permit from the 15th day of January each year until the audited statement required in Section 47.015 is filed with the Texas Department of Health.

47.011 SINGLE PERMIT PER LOCATION.

Under this Order, the Director shall not require any Food Outlet to obtain more than one Permit for a single location or a single unit.

47.012 PERMIT RENEWAL

(a) Expiration. The Permit for any Food Outlet except a Temporary Food Establishment [see Section 47.012(c) for Temporary Food Establishments] shall expire one year from the day on which the Permit is issued.

(b) Renewal. An Applicant may renew a valid, subsisting Permit for these Food Outlets issued under this Order on or before the date on which the Permit expires.

(c) Temporary Food Establishments. Permits for temporary Food Service Establishments shall not be renewed, but shall expire on the date specified on the Permit. Permits for temporary Food Service Establishments shall not be renewed.

47.013 TRANSFER OF PERMITS

A Permit shall not be transferred from one Person to another; from one location to another; or from one unit to another. Any Permit transferred, or attempted to be transferred, is no longer a valid Permit as of the date of transfer or attempted transfer.

47.014 DUTIES AND POWERS OF DIRECTOR

(a) Designated Permitting Authority. The Director (including his/her designated representative(s)) is designated by the Commissioners Court to be the Permitting Authority for this Order and the authority in the County to enforce Food Laws and thus has the duty, and necessary powers, to administer and enforce this Order and Food Laws within the limits of the applicable statutes and laws.

(b) Duties and Powers. The Permitting Authority shall have the following duties and necessary concomitant powers:

(1) To enforce this Order and to make appropriate recommendations to proper County authorities when instances of noncompliance with this Order have been determined.

(2) To make inspections of Food Outlets.

(3) To provide the Commissioners Court any information concerning this Order and its implementation which may be requested by the Commissioners Court.

(4) To perform all other duties necessary to meet the requirements of this Order and the Food Laws.

47.015 AUDITED STATEMENT

(a) Annual Statement. The Auditor is designated by the Commissioners Court to be the authority to file an audited statement under this Order and thus has the duty, and necessary powers to prepare an audited statement detailing the receipt and expenditures of funds and fund balances under this Order during the prior fiscal year of County and to file this audited statement with the Texas Department of Health with a copy to the Director and the Commissioners Court on or before the 15th day of January each year.

(b) Failure to Timely File. If the statement is not timely filed, the County may not require the payment of a fee for issuing or renewing a Permit until the statement is filed.

47.016 PERMIT REQUIRED

(a) Commencement of Operations. A Person shall not commence operations of or operate a Food

Outlet or as a Mobile Food Vendor within the County unless that Person has a valid, subsisting Permit issued pursuant to this Order.

(b) Compliance With Food Laws. A Person granted a Permit shall continue to comply with all Food Laws as long as that Person operates a Food Outlet. Only a Person who complies with the Food Laws is entitled to receive and retain a Permit. If the County finds on inspection that an Applicant is not in compliance with Food Laws, the County may reinspect the Applicant at a later date to determine if the Applicant is in compliance.

(c) Posting Permit. A Person shall post a valid, subsisting Permit in plain view in or on all Food Outlets or mobile Food vending units regulated by this Order.

47.017 PLANS AND SPECIFICATIONS

(a) Requirement for Plan Review. When a Person plans to construct or extensively remodel a Food Outlet or convert an existing structure to a Food Outlet, or for any other reason makes application for a Permit under this Order, other than a Renewal Permit, that Person shall submit properly prepared plans and specifications to the Director for review before construction, remodeling, conversion, or operation begins. If the plans and specifications are in compliance with Food Laws, the Director shall approve them and give Applicant a Statement of Plan Approval signed by the Director.

(b) Requirement for Plan Approval. A Person shall not operate a Food Outlet unless the construction, remodeling, or conversion is completed in accordance with plans and specifications approved by the Director.

(c) Content of Plans and Specifications. The plans and specifications of the Food preparation, storage, and sales areas shall indicate the proposed layout, equipment arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities.

47.018 PERMIT AND RENEWAL APPLICATION PROCESS

(a) Information Required on Permit and Renewal Application. Applications for Permits and renewal Permits to operate Food Outlets or mobile Food vending operations shall be made in writing to the Director on a form prescribed by the Director and shall, along with such other information the Director may require, contain the following information:

(1) The name, mailing address, residential street address, and business street address of the Applicant.

(2) The name of the proposed, or existing, Food Outlet or operation.

(3) The street address of the proposed, or existing, Food Outlet, if any.

(4) The type of proposed, or existing, Food Outlet.

(5) The number of employees of the proposed, or existing, Food Outlet.

(6) If the Applicant is a partnership, the name, mailing address, residential street address, and business street address for each member of the partnership; and

(7) If the Applicant is a corporation, the name, mailing address, residential street address, and business street address of each officer and director of the corporation and the name and

address for service of process on the registered agent of the corporation.

(b) Documents Required With Permit and Renewal Application. The Applicant shall attach the following documents to its application:

- (1) If an assumed name is used, a date-stamped copy of the Certificate of Assumed Name;
- (2) If the Applicant is a general partnership, a copy of the fully executed partnership agreement;
- (3) If the Applicant is a limited partnership, a date-stamped copy of the Certificate of Limited Partnership;
- (4) If the Applicant is a corporation, a date-stamped copy of the Articles of Incorporation filed with the Secretary of State and a certified copy of the corporate resolution authorizing the corporation to file an application pursuant to this Order and designating the officer authorized to execute the application; and
- (5) For applications other than Renewals, the original Statement of Plan Approval signed by the Director or one (1) copy of plans and specifications of the Food preparation, storage and sales areas of the proposed, or existing, Food Outlet that indicate the layout, equipment arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities.

(c) Acknowledgement Required on Permit and Renewal Application. The application shall contain the following statements:

- (1) "All of the information contained in this application is true and correct to the best of the Applicant's knowledge and belief."
- (2) "Applicant acknowledges that the Permit applied for shall be subject to all provisions of the orders and ordinances of Travis County and shall be subject to all provisions of the codes and statutes and all rules adopted under the codes and statutes of the State of Texas governing Food Service Establishments, Retail Food Stores, Mobile Food Units and roadside Food vendors."

(d) Signature Required. Applications for Permit and renewal Permit shall be signed by the Applicant (if the Applicant is a partnership, by a general partner on behalf of the partnership and, if the Applicant is a corporation, by the officer of the corporation designated to execute the application on behalf of the corporation).

(e) Payment of Fee. The Applicant shall pay the fees required under this Order when an application for Permit or renewal Permit is submitted.

47.019 PROCEDURE FOR DIRECTOR'S APPROVAL

(a) Review of Application. Prior to approval of any application for a Permit, or renewal Permit, the Director shall review the application and supporting documents to determine if they are in compliance with this Order and Food Laws.

(b) Application. The Applicant shall request the Director to inspect the Food Outlet when the Applicant believes it is in compliance with the approved plans and specifications. If the Food Outlet is not in compliance with the plans and specifications approved by the Director, the Director shall issue a notification that states how it does not comply with the Food Laws. After the Applicant has brought the Food Outlet into compliance with the approved plans and specifications and Food Laws, the Applicant

shall request the Director to inspect the Food Outlet again.

(c) Request for Inspections. The Applicant shall request the Director to inspect the Food Outlet at least forty-eight (48) hours, excluding weekends and legal holidays, prior to the need for each inspection. Within seven (7) days after receipt of any request for inspection, the Director shall inspect the Food Outlet to determine whether it is in compliance with the plans and specifications approved by the Director and Food Laws.

(d) Approval of Permit. After review of the application and inspection of the Food Outlet, if the Food Outlet is in compliance with the plans and specifications approved by the Director, the Director shall approve the Permit within twenty-four (24) hours of the inspection at which the Director determines that the Food Outlet is in compliance.

(e) Denial of Permit.

(1) Criteria. The Director may deny approval of any application for Permit for the following reasons:

- A. the plans and specifications are not in compliance with Food Laws.
- B. the Food Outlet is not in compliance with the plans and specifications approved by the Director; or
- C. the Applicant has provided any information in the application which was not true and correct at the time that the application was submitted.

(2) Notification of Denial. When one or more of the criteria for denial exist, the Director shall provide the Applicant with a written notification that the Permit is denied unless a written request for a hearing is received by the Director within ten (10) days after the notification is given. If no request for hearing is received by the Director within ten (10) days after the notification is given, the Permit is denied. If a request for hearing is received within ten (10) days after the notification of denial is given, a hearing will be held pursuant to Section 47.022 of this Order.

47.020 ISSUANCE OF PERMITS AND RENEWALS

(a) Initial Permits. Initial Permits may be issued by the Director upon receipt of the prescribed fee and completed application only if the Food Outlet is in compliance with Food Laws.

(b) Issuance. Under the conditions established in this Order, within ten (10) days after approval, the Director shall issue Permits to Applicants whose applications have been approved. All Permits shall show the date of expiration.

(c) Renewal Permits. When a Permit has expired, or is about to expire, the Director shall renew the Permit within thirty (30) days after receipt of the prescribed fee and a completed renewal Permit application if the Food Outlet is in compliance with Food Laws, the Permit has never been revoked and is not suspended on the date of application.

47.021 SUSPENSION AND REVOCATION OF PERMIT

(a) Suspension.

- (1) Criteria. The Director may suspend a Permit for the following reasons:
 - A. the Food Outlet is not in compliance with this Order or the Food Laws; or
 - B. the Applicant has provided any information in the application which was not true and correct at the time that the application was submitted.

(2) Notification of Suspension. When either of the criteria for suspension exists, the Director may send the Permittee a written notification that the Permit is suspended unless a written request for a hearing is received by the Director within ten (10) days after the notification is given. If no request for hearing is received by the Director within ten (10) days after the notification is given, the Permit is suspended until the Food Outlet is in compliance with this Order and the Food Laws. If a request for hearing is received by the Director within ten (10) days after the notification is given, a hearing will be held pursuant to Section 47.022 of this Order.

(3) Effect of Suspension. A valid, subsisting Permit does not exist when a Permit has been suspended.

(b) Revocation

(1) Notification of Revocation. If the Permit of a Food Outlet has been suspended for more than thirty (30) days and the Food Outlet has not been brought into compliance with this Order and the Food Laws, the Director may send the Permittee a written notification that the Permit is revoked unless a written request for a hearing is received by the Director within ten (10) days after the notification is given. If no request for hearing is received by the Director within ten (10) days after the notification is given, the Permit shall be revoked and no valid or subsisting Permit shall exist for that Food Outlet. If a request for hearing is received within ten (10) days after the notification is given, a hearing will be held pursuant to Section 47.022 of this Order.

(2) Effect of Revocation. A valid, subsisting Permit does not exist when a Permit has been denied or revoked. Any Applicant whose Permit has been denied or any Permittee whose Permit has been revoked may make a new application for a Permit pursuant to this Order.

47.022 HEARING ON DENIAL, SUSPENSION OR REVOCATION

(a) Request for Hearing. If an Applicant or Permittee requests a hearing after a notification that a Permit is denied, suspended, or revoked, the Applicant or Permittee may have a hearing before the Health Authority. The Health Authority will set the time and place of the hearing as soon as practicable, but in any event no later than fifteen (15) days after receipt of the request for the hearing.

(b) Notification of Hearing. The Health Authority shall provide notice of the hearing to the Applicant or Permittee not less than ten (10) days before the hearing is scheduled unless the Applicant or Permittee submits a sworn request for earlier hearing that acknowledges his/her right to ten (10) days notice under this Order and expressly waives that right.

(c) Hearing Procedures. Hearings held pursuant to this Order shall be held in compliance with this Section 47.022.

(d) Decision of Hearing. Based on the evidence and arguments presented, the Health Authority shall decide whether to sustain, modify or rescind the denial, suspension or revocation of the Permit. Within ten (10) days after the hearing is concluded, the Health Authority shall provide the Applicant or Permittee and the Director with a written decision that states the basis on which the decision was made, the decision

that has been made, and the reasons for that decision.

(e) Records of Hearing. The Director shall maintain a copy of the written decision of the Health Authority for no less than one (1) year or the conclusion of any action appealing a decision of the Health Authority.

47.023 ENFORCEMENT

(a) Compliance Inspection. The Director may enter the premises of a Food Outlet or mobile Food vending unit governed by this Order during normal operating hours to conduct inspections to determine whether the Food Outlet is in compliance with Food Laws and orders adopted by County.

(b) Criminal Enforcement. (TEXAS HEALTH AND SAFETY CODE, Section 437.016)

(1) A Person commits an offense if the Person operates a Food Service Establishment, Retail Food Store, Mobile Food Unit, or roadside Food vendor, or any other Food Outlet covered by this Order without a Permit as required under this Order.

(2) An offense under this Order is a class "C" misdemeanor.

(3) Each day on which a violation occurs constitutes a separate offence.

(4) Jurisdiction for prosecution of a suit under this Order is in the Justice of the Peace Courts.

(5) Venue for prosecution of a suit under this Order is in the Justice of the Peace precinct in which the violation is alleged to have occurred.

(c) Civil Enforcement. (TEXAS HEALTH AND SAFETY CODE, Section 437.015). Whenever it appears that a Food Outlet is required to have a Permit and is operating without a Permit, the County Attorney, City Attorney, or District Attorney may sue in District Court for injunctive relief against the Person who is operating the Food Outlet without a Permit if a Permit is required.