

**Village of Point Venture, Texas**

**ORDINANCE NO. 2022-06-15**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING CHAPTER 7 OF THE VILLAGE OF POINT VENTURE CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR FOOD ESTABLISHMENT REGISTRATION; PROVIDING FOR REPEAL, SEVERABILITY, SAVINGS, PUBLICATION AND CODIFICATION; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

**WHEREAS**, the Village Council has analyzed the use and effectiveness of its current food establishment permitting ordinance; and

**WHEREAS**, the Village Council finds the Village does not have the resources to permit, oversee and inspect the various food establishments that operate in the Village; and

**WHEREAS**, the Village Council recognizes that other governmental entities do possess resources to permit, oversee and inspect food establishments and are authorized to do so; and

**WHEREAS**, the Village Council recognizes the benefit of Village personnel having contact information for responsible personnel associated with the food establishments operating in the Village of Point Venture; and

**WHEREAS**, the Village Council desires to ensure good communication exists between Village officials and employees and the personnel of the food establishments operating in the Village when such communication is needed; and

**WHEREAS**, adoption of this ordinance will provide Village staff with needed information to respond promptly to issues or emergencies related to food establishments in the Village of Point Venture; and

**WHEREAS**, the Village Council desires to require Village registration of food establishments that are obligated by state or other law to be permitted so that Village personnel have a mechanism to secure and update as needed contact information for responsible food establishment personnel; and

**WHEREAS**, the Village Council finds that adoption of this ordinance will promote and ensure the public health, safety and welfare of its citizens; and

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TRAVIS COUNTY, TEXAS THAT:**

**SECTION 1. Findings of Fact.** All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, are made a part hereof for all purposes and are hereby approved and incorporated into the body of this Ordinance as if restated in their entirety.

**SECTION 2. Amendments.** The Code of Ordinances of the Village of Point Venture, Texas is hereby amended by deleting Article 7.02 of Chapter 7 thereof and substituting therefor a new Article 7.02 of Chapter 7 to provide as follows:

**“VILLAGE OF POINT VENTURE, TEXAS  
CODE OF ORDINANCES**

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**CHAPTER 7 HEALTH AND SANITATION**

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**ARTICLE 7.02 FOOD ESTABLISHMENTS**

**7.02.001 Food Establishment Registration Purpose**

The Village of Point Venture desires to ensure good communication exists between the Village officials and employees and the personnel of the food establishments operating in the Village when such communication is needed. The Village recognizes the benefit of Village personnel having contact information for responsible personnel of the food establishments. The purpose of this ordinance is to require registration of food establishments that are obligated by state or other law to be permitted so that Village personnel have contact information for such responsible personnel.

**7.02.002 Application; Registration; Obligations**

- (a) Any person who operates a food establishment that is required by state or other law to be permitted shall provide evidence of such permit to the Village and shall make written application for registration on a form provided by the Village. Such application shall include:
  - (1) the name, address and telephone number of the owner.
  - (2) the location and type of the food establishment.
  - (3) the name, address and telephone number of a person or of persons who can be contacted in an emergency.
  - (4) the signature of the applicant.
- (b) The Village will provide written confirmation to the applicant of the Village’s approval or denial of the registration. An approved registration shall be issued to the applicant unless the Village determines that the application contains false or misleading information or that required information is omitted.
- (c) The registration shall be valid until the owner ceases to operate the food establishment.
- (d) The owner must notify the Village within ten (10) calendar days, in writing, of any changes to information submitted in the application.

### **7.02.003 Registration Revocation; Appeal**

- (a) The Village may revoke a food establishment registration if the owner or the owner's agent does not comply with the requirements of this section.
- (b) Upon revocation, the Village shall notify the owner and emergency contact(s), if any, of the revocation in writing and the reason for such revocation.
- (c) An applicant may apply for reinstatement of a revoked registration after the expiration of thirty days running from the date of the revocation of registration.
- (d) An applicant of a denied or revoked food establishment registration may appeal the denial or revocation by filing a written request for a hearing with the Village Secretary within ten (10) calendar days following the denial or revocation of such registration. If a request for a hearing is received, a hearing shall be held before the Board of Adjustment within forty-five (45) calendar days of the Village Secretary's receipt of request. The Board of Adjustment shall issue a written decision affirming or reversing the denial or revocation of the registration. The decision of the Board of Adjustment shall be final.

### **7.02.004 Violations; Penalty**

- (a) It shall be unlawful for any person to operate a food establishment without an approved registration for such property.
- (b) It shall be unlawful to falsify or omit any information on a registration application.
- (c) It shall be unlawful to fail to update the Village of any of the information provided for registration within ten (10) business days of a change in such information.
- (d) Any person or entity who violates any of the provisions of this article 7.02 is guilty of a misdemeanor and upon conviction shall be punished by a fine in the amount not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) per violation, and each day such violation exists shall constitute a separate offense.”

**SECTION 3. Repeal.** All provisions of the ordinances of the Village of Point Venture in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the Village of Point Venture not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4. Severability.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be illegal, invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of any remaining provision of the Code of Ordinances or the Code of Ordinances as a whole.

**SECTION 5. Savings.** All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances regulating food establishments which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.


**SECTION 6. Publication and Codification.** The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

**SECTION 7. Open Meeting.** The Village Council of the Village of Point Venture hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 8. Penalty.** It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than **Five Hundred Dollars (\$500.00)**, in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.


**SECTION 9. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**DULY PASSED AND ADOPTED** by the Village Council of the Village of Point Venture, Texas, on the 15th day of June, 2022

  
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Steve Porschler, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
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Vickie Knight, Village Secretary

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Caroline Kelley, Village Attorney