

City of Houston, Texas, Ordinance No. 2012-269

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FEEDING THOSE IN NEED; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Houston appreciates those who take part in the charitable act of providing food for those in need and finds and determines that such activities are of general benefit to the health, safety, and welfare of all citizens; and

WHEREAS, the City Council recognizes that those who are unable to provide food for themselves often must be fed outdoors by those entities dedicated to providing such charitable food services; and

WHEREAS, the City Council finds and determines that coordination of the efforts of those who provide charitable food services will mutually benefit those who receive the food, those who provide the food, and those property owners where the outdoor feeding occurs; and

WHEREAS, to ensure the safety of the food providers, the food, and the recipients of the food, it is necessary to amend Chapter 20 of the Code of Ordinances to include a voluntary process of coordination, training, and recognition for those individuals and organizations which provide such food; and

WHEREAS, the City Council finds and determines that the use of selected park properties with suitable facilities, as designated by the director of parks and recreation, and the use of other selected city-owned properties with suitable facilities, as designated by the director of health and human services, for charitable food services is consistent with park and public purposes; and

WHEREAS, the City Council finds and determines that the outdoor feeding of individuals occurs on both public and private property, often without the permission of the property owner; and

WHEREAS, such feeding activity, while well intended, often generates litter, refuse, waste food, and other unsanitary materials left behind on the property where the feeding occurs, to the detriment of the property owner and the health and safety of the general public; **NOW, THEREFORE**,

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

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Chapter 20 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article V thereto entitled Charitable Food Services, to read as follows:

"ARTICLE V

CHARITABLE FOOD SERVICES

Sec. 20-251. Definitions.

As used in this article, the following words and phrases shall have the meanings set forth in this section:

Charitable food services means providing food without charge, payment or other compensation to benefit those in need at an outdoor location not owned, leased or controlled by the individual or organization providing the food.

Food service event means each instance in which charitable food services are provided to more than five individuals.

Recognized Charitable Food Service Provider means an individual or organization which participates in charitable food services and has received a certificate from the city designating said individual or organization as being in good standing in the City of Houston Recognized Charitable Food Service Provider Program.

Sec. 20-252. Use of property without consent prohibited.

It shall be unlawful for any organization or individual to sponsor or conduct a food service event on public or private property without the advance written consent of the public or private property owner or other individual with lawful control of the property.

Sec. 20-253. Program created.

There is hereby created the City of Houston Recognized Charitable Food Service Provider Program (the 'program') The purpose of the program shall be to create a voluntary coalition of religious, community based, and charitable organizations and individuals dedicated to providing charitable food services in an organized, efficient , and cooperative process, assuring sanitary, quality foods are delivered to those in need, while protecting the environment and the rights of private property owners. The program shall be coordinated jointly by the director of the health and human services department ('health department') and one or more community-based organizations.

Sec. 20-254. Participation in the program; certification.

Any individual or organization desiring to participate in the program shall provide to the health department basic contact information, including name, address, telephone number, FAX number, email address, and name or names of contact person(s). In addition, the individual or organization, by requesting to participate in the program, shall pledge to do the following:

- (1) To cooperate with the program coordinators in the scheduling and siting of food service events, with the goal of maximizing the benefit of such charitable food services to the needy.
- (2) To provide charitable food services in a manner consistent with good hygiene, sanitation, and food safety, by:
 - a. Following basic standards for food preparation, handling, storage, and use promulgated by the health department.
 - b. Conducting each food service event under the guidance of at least one person who has attended a city-sponsored, free-of-charge food safety training class conducted by the health department and has received an appropriate charitable food service certification (also referred to as a 'certification'). A person qualified as a food service manager under section 20-53 of this Code shall also suffice. A certification obtained in this manner shall be valid for a period of five years.

- c. Authorizing the inspection of all food preparation areas, all food transport vehicles, and all food service events by appropriate representatives of the health department.
 - d. Agreeing to implement improvements to their food preparation, transportation, and service process as suggested by the health department.
- (3) To provide adequate personnel, trash receptacles, and trash containment and removal measures to contain all trash, refuse, and litter on the site of the food service event and to remove all trash, refuse, litter and unused foods from the site at the conclusion of the food service event.

Any individual or organization providing the necessary contact information and pledging to participate in the program as described in this section shall be designated by an official certificate issued by the health department as a Recognized Charitable Food Service Provider, and upon continuing to fulfill that pledge as determined by the health department, shall be eligible for renewal annually.

An individual or organization providing charitable food services with the consent of the property owner but without participating in the program established by this article shall not be deemed in violation of this article.

Sec. 20-255. Health department authorized.

The health department is authorized to:

- (1) Issue guidelines for food preparation, food transportation, food storage, and other food safety, sanitation, and public health-related issues associated with conducting food service events.
- (2) Provide appropriate health department personnel to conduct charitable food service certification classes at no charge as described in section 20-254 (2) (b) of this Code.
- (3) Identify on an annual basis beginning one year from the effective date of Ordinance No 2012-269¹ those Recognized Charitable Food Service Providers which have abided by their

1. City Secretary shall insert the number of this Ordinance.

pledge to provide charitable food services in conformance with section 20-254 of this Code, and based on that performance, determine that such individuals or organizations should continue in good standing as Recognized Charitable Food Service Providers.

Sec. 20-256. Identification and recognition.

The city shall maintain on the city website a list identifying by name and address (and if requested by the Provider, other direct contact information), those Recognized Charitable Food Service Providers which are in good standing under the program. In addition, Recognized Charitable Food Service Providers currently in good standing under the program may also identify themselves as having achieved that status in correspondence, publications, and the like; provided, however, such identification shall not utilize the official city seal or other similar official identifiers of the City of Houston.

Sec. 20-257. Use of city parks and other city property for food service events.

The director of the parks and recreation department ('parks department') shall develop rules, regulations, and criteria for the use of park properties for food service events and shall maintain a list of park properties with areas approved for food service events. The director of the health and human services department shall develop rules, regulations, and criteria for the use of other city property for food service events and shall maintain a list of such properties with areas approved for food service events. The parks department and the health department shall coordinate designation of such properties to avoid redundancy and maximize the most effective use of the properties.


Section 3. That the Health and Human Services Department will monitor compliance with the Recognized Charitable Food Service Provider Program.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions


of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on July 1, 2012.

PASSED AND APPROVED this 4th day of April, 2012.



Mayor of the City of Houston

Prepared by Legal Dept. 

LWS:asw 04/04/2012

Senior Assistant City Attorney

Requested by Stephen L. Williams, Director, Health and Human Services Department

L.D. File No. 0380800068001

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
	✓	BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
	✓	SULLIVAN
	✓	HOANG
	✓	PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		BURKS
✓		NORIEGA
	✓	BRADFORD
	✓	CHRISTIE
CAPTION	ADOPTED	