

NOTICE OF EMERGENCY RULE ADOPTION

ADOPTION DATE: March 13, 2020

By: Spencer Cronk, City Manager

The City Manager has adopted the following Emergency Rules. This notice is issued under Chapter 1-2 (*Adoption of Rules*) of the City Code.

EFFECTIVE DATE OF EMERGENCY RULE

The Emergency Rules adopted by this notice were effective on **March 13, 2020** and **expire on July 12, 2020** (not later than the 121st day after the effective date) unless the rule is withdrawn, or the city manager provides an earlier expiration date. The rule may be renewed one time only. If the rule is renewed, it will expire on the 61st day after the renewal date.

SUMMARY OF RULE

The Emergency Rules govern food enterprises. Specifically, the Emergency Rules impose additional public health disease mitigation and signage requirements for food enterprises.

TEXT OF PROPOSED RULE

Defined terms used in these Emergency Rules shall have the meanings assigned to them in City Code Chapter 10-3 or state law.

- (A) A permit holder or person in charge of a food enterprise shall display “Help Prevent Disease” signage provided by Austin Public Health (these graphic files may be found at: <http://www.austintexas.gov/article/covid-19-flyers-and-other-resources>) in a prominent public location clearly visible to the general public and patrons;
- (B) A permit holder or person in charge of a food enterprise shall make hand sanitizer with a minimum alcohol content of 60% available to the general public and to patrons;
- (C) A permit holder or person in charge of a food enterprise shall disinfect and sanitize commonly touched surfaces and nonfood-contact surfaces of equipment of the establishment at least once every hour; and
- (D) A food enterprise must adopt and implement a policy that provides for the immediate exclusion of food handlers from duties if they develop a fever greater than or equal to 100.4°F during their shift.

Failure to comply with these Emergency Rules constitutes a public health hazard. Under

City Code Section 10-3-66, the health authority may suspend a food establishment permit without prior notice or hearing if the food enterprise constitutes a public health hazard.

NATURE OF EMERGENCY

The City Manager finds that an imminent peril to the public health, safety, or welfare requires adoption of the rule on an emergency basis. Specifically, an emergency rule is required to reduce the possibility of exposure to COVID-19 and promote the health and safety of Austin residents.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in City Code Chapter 1-2 (*Adoption of Rules*). The authority to adopt rules related to food establishments is established in Chapter 10-3 (*Food and Food Handlers*).

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Emergency Rules, the City Attorney certifies the City Attorney has reviewed the Emergency Rules and finds that adoption of the Emergency Rules is a valid exercise of the Administrative authority of the City Manager's authority.

REVIEWED AND APPROVED



Spencer Cronk
City Manager

Date: 3-13-2020



Anne L. Morgan
City Attorney

Date: 3/13/2020