



The Frozen Desserts rules are in effect for the following municipalities:

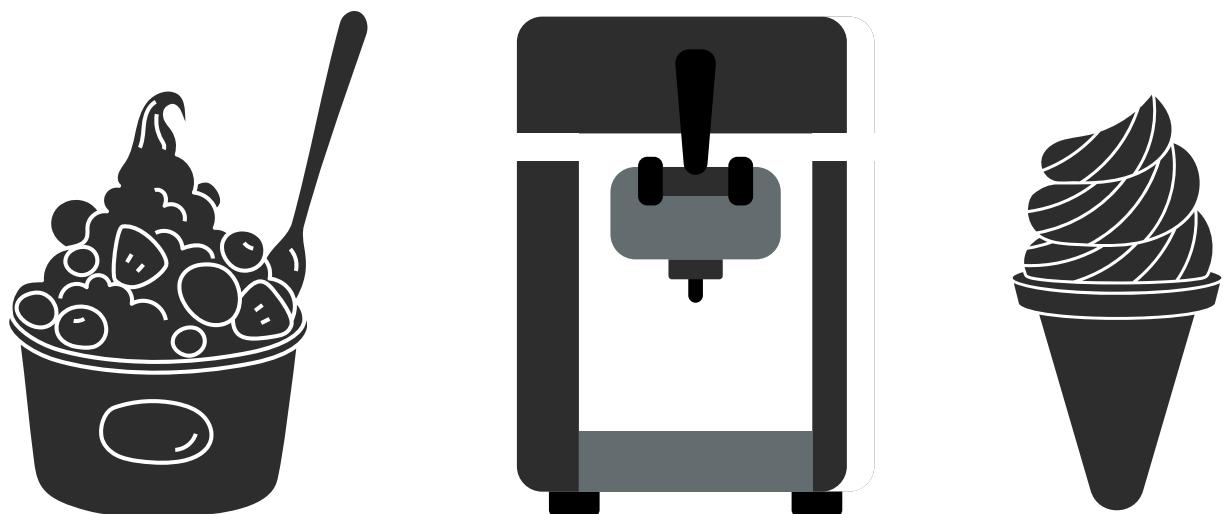
- City of Wichita Falls
- Unincorporated Areas of Wichita County
- City of Burk Burnett
- City of Iowa Park
- City of Electra

Frozen Dessert(s) means soft serve, gelato, frozen custard, frozen yogurt or other frozen dessert prepared by adding a mix to a specialized machine.

Laboratory means a biological, physical or chemical laboratory that is under the supervision of the state or local health authority.

Frozen desserts and mix shall comply with the standards set out in TAC Title 25, 217.45.

The following pages include the rules from the local ordinance.



Sec. 58- 242-245. - Frozen dessert standards.



Sec. 58- 242. - Frozen dessert permit required.

1. Every food establishment that prepares, serves, provides, sells, displays or stores for future sale, or offers for sale frozen desserts that are dairy-based, contain dairy, or a dairy alternative prepared in a frozen dessert mixing machine for human consumption must have a frozen dessert permit in addition to its permit, regardless of permit category.
2. Samples any frozen dessert pre-mix or any final frozen dessert product may be sampled by the regulatory authority from each machine operated by a food establishment. Each sample will be submitted to an approved laboratory for analysis of its content.
 - a. If any samples collected from a food establishment are not within the standards established in section 58-241 additional samples may be collected and an inspection of the equipment and facility may be conducted to determine the reason for the violation of the standards.
 - b. No food establishment shall adopt any procedures that would result in repeated failures of the first samples collected.
 - c. Two consecutive frozen dessert samples determined by laboratory analysis to be above the limits of the standards may result in suspension of the permit to operate the food establishment or suspension of the frozen dessert permit.
 - d. A resample and re-inspection fee will be charged for each consecutive inspection and sample tested after a permit has been suspended.
3. The permit shall be posted in a conspicuous place in public view.
4. All permits issued under this subdivision shall remain in force for one year from the date of issuance unless revoked or suspended.

Sec. 58- 243. - Suspension, revocation and reinstatement of frozen dessert permit.

1. A frozen dessert permit issued under this subdivision may be suspended or revoked by the regulatory authority upon the violation by the holder of any of the terms of this article.
2. Any person or food establishment whose frozen dessert permit has been suspended or revoked shall immediately discontinue the preparation, service, provision, sale, display or storage for future sale of frozen dessert until the defects that caused the suspension have been corrected and the permit reinstated.

3. Following correction, the applicant may request reinstatement of the permit by the regulatory authority. The regulatory authority may require the permit holder to demonstrate proper cleaning procedures and maintenance of the frozen dessert equipment before reinstating the permit.
4. Notice of suspension or revocation, and the conduct of hearing for any suspension or revocation of a frozen dessert permit shall be conducted under the procedures established in Division II

Sec. 58- 244. - Labeling.

All frozen dessert products and frozen dessert pre-mix not sold at the point of manufactured origin must be properly labeled according to current Food and Drug Administration guidelines.

Sec. 58- 245. - Vending without certification.

It shall be unlawful for any person to prepare, serve, provide, sell, display or store for future sale, or offer for sale frozen desserts without a current frozen dessert permit.