

ORDINANCE NO. 2234

AN ORDINANCE TO AMEND CHAPTER 12 OF THE LEXINGTON CITY CODE; TO RENUMBER SECTIONS OF CHAPTER 12; TO IMPROVE EFFICIENCY BY REDUCING REDUNDANCIES BETWEEN STATE AND LOCAL REGULATORY PRACTICES FOR FOOD HANDLING ESTABLISHMENTS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. Findings and Intent.

A. The Nebraska Department of Agriculture and the City of Lexington are both currently engaged in issuing permits to establishments where food is handled. (Neb. Food Code Sec. 8-410.10).

B. The Nebraska Department of Agriculture conducts regular inspections of food establishments; the City of Lexington may conduct food establishment inspections when complaints are received.

C. Neither the City of Lexington nor food establishment patrons derives any additional benefit from duplicating the issuance of food handling permits, or conducting City-instigated food establishment inspections.

Section 2. That Chapter 12 of the Lexington City Code is hereby amended to read as follows:

**CHAPTER 12
FOOD AND FOOD ESTABLISHMENTS**

Sec. 12-1 Adoption of Nebraska Food Code

Sec. 12-2 Inspections and Permits

Sec. 12-1 Adoption of Nebraska Food Code

The definitions, the inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the prohibiting of sales of adulterated or misbranded food or drinks, and the enforcement of this section shall be regulated in accordance with the unabridged form of the Nebraska Food Code, as adopted by the Nebraska Department of Agriculture pursuant to Nebraska Revised Statutes Section 81-2,257.01, as the same may be amended from time to time, a copy of which shall be on file in the office of the City Clerk.

(Mun. Code, Sec. 5-801; Ord. No. 1336, Sec. 1; Ord. No. 2110)

Sec. 12-2 Inspections and Permits.

The City recognizes the Nebraska Department of Agriculture as the primary regulatory authority for food establishment inspections and permitting as published in the Nebraska Food Code [Sec. 8-410.10 et seq]. Food establishments operating in the jurisdictional boundaries of the City must comply with the Nebraska Food Code, and must be inspected by and maintain current permits issued by the regulatory authority.

Section 3. That Original Chapter 12 of the Lexington City Code, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 4. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 26th day of June, 2007.



(SEAL)

Pamela Burke

Deputy City Clerk

Gregory J. Foyt

President of the Council