**ORDINANCE NO. 6359**

**AN ORDINANCE TO AMEND CHAPTER 4.22 "FOOD CODE" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING SECTIONS 4.22.010 THROUGH 4.22.030.**

**BE IT ORDAINED**
**BY THE CITY COUNCIL**
**OF THE**
**CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Chapter 4.22 "Food Code" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 4.22.010 through 4.22.030 as follows:

~~4.22.010 - Adoption by reference.~~
~~(a) The 1997 edition of the Federal Food and Drug Administration's Food Code as modified by the Iowa State Legislature and the Iowa State Department of Agriculture, copies of which are now on file in the office of the city clerk of the city of Council Bluffs, Iowa, is adopted as the food code of the city of Council Bluffs, Iowa.~~
~~(b) Future versions of the Federal Food and Drug Administration's Food Code as modified and adopted by the Iowa State Legislature and the Iowa State Department of Agriculture shall be adopted as the food code of the city of Council Bluffs, Iowa, upon a copy being filed in the office of the city clerk of the city of Council Bluffs, Iowa, and publication one time in a newspaper of general circulation in Pottawattamie County, Iowa, of notice of the new food code being on file and become effective.~~

~~4.22.020 - Enforcement authority.~~
~~The Council Bluffs health department shall have primary responsibility to enforce the provisions of the food code as adopted in Section 4.22.010. Any peace officer or other person designated by the administrative authority may also enforce the provisions of the food code. In addition to peace officers, the director of the Council Bluffs health department or his or her authorized designee shall have the power to issue police citations for violations of the provisions of the food code and the provisions of this chapter. These citations shall be issued pursuant to the procedures set out in Sections 805.1 and 805.4 of the State Code of Iowa.~~

~~4.22.030 - Penalty.~~
~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95, in lieu of criminal prosecution.~~

**SECTION 2. REPEALER**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE**. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE**. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND October 22, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____