

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTION 92.10 “FEE SCHEDULE ADOPTED BY REFERENCE” AND SUBSECTION “PUBLIC SWIMMING POOL/SPA” OF CHAPTER 92 “HEALTH AND SANITATION” OF TITLE IX “GENERAL REGULATIONS,” OF THE CODE OF MANSFIELD, TEXAS; REVISING COMPLIANCE STANDARDS FOR POOLS/SPAS AND INTERACTIVE WATER FEATURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (the “City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City has previously adopted regulations regarding public swimming pools and spas, including interactive water features; and,

WHEREAS, the City Council has determined that the amendment outlined herein is in the best interest of the health, safety, and general welfare of the citizens of the City of Mansfield and the public, the City desires to revise the fees and regulations applicable to such facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The findings and recitations set out in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

Section 92.10 “Fee Schedule Adopted by Reference,” of Chapter 92 “Health and Sanitation,” of Title IX “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 92.10 FEE SCHEDULE ADOPTED BY REFERENCE.

The Regulatory Compliance fee schedule for inspection and regulation of food establishments, public pools, spas and interactive water features within the City of Mansfield, as may be amended from time to time, is adopted by reference, the same as if set out in full herein.”

SECTION 3.

Section 92.41 “State Regulations and Guidelines,” of Chapter 92 “Health and Sanitation,” of Title IX “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 92.41 STATE REGULATIONS AND GUIDELINES.

There is hereby adopted by reference of Texas Health and Safety Code, Title 5, Subtitle A, Chapter(s) 341.064, 341.0645 and 341.0695; Texas Health and Safety Code, Title 1, Chapter 1 Section 1.005, and Texas Health and Safety Code, Title 9, Subtitle A, Chapter 757; the V.T.C.A.; and the Tex. Admin. Code §§ 265.181—265.208, “Standards for Public Pools and Spas”, and Tex. Admin. Code §§ 265.301—265.308 “Public Interactive Water Features and Fountains.” A copy of each shall be kept on file in the official records of the city.”

SECTION 4.

Section 92.42 “Definitions,” of Chapter 92 “Health and Sanitation,” of Title IX “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 92.42 DEFINITIONS.

All definitions in Title 25, Texas Administrative Code, Chapter 265, Subchapter L, “Public Swimming Pools and Spas,” and Subchapter M “Public Interactive Water Features and Fountains of the Tex. Admin. Code, as amended, are hereby adopted. In addition, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED REPRESENTATIVE. The City of Mansfield Director of Regulatory Compliance or their designee.

REGISTRATION CERTIFICATE. A certificate issued by the regulatory authority to any person who submits the required application, remits the registration fee, and provides evidence of being a certified pool operator.

CERTIFIED POOL OPERATOR. A person who possesses a valid pool operator’s certificate from an accredited program approved by the regulatory authority.

CITY. City of Mansfield.

DIRECTOR. The City of Mansfield Director of Regulatory Compliance.

EXTENSIVELY REMODELED. The replacement of or modification to a pool, spa, or public interactive water feature (PIWF) structure, its circulation system, or its appurtenances, so that the design, configuration or operation is different from the original design, configuration or operation. This term does not include the normal maintenance and repair or the replacement of equipment, which has been previously approved if the size, type or operation of the equipment is not substantially different from the original.

PERSON IN CHARGE (PIC). The person who holds the City of Mansfield permit and maintains responsibility and/or control over the pool, spa, or interactive water feature.

POOL. Any manmade permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The **POOL**

may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a **POOL**.

PRIVATE RESIDENTIAL POOL OR SPA. A pool that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than one single family and their invited guest and located on property used for the placement of a single-family home or duplex residence.

INTERACTIVE WATER FEATURE (PIWF). Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannon in various arrays for the purpose of wetting the persons playing in the spray streams.

(1) May be stand-alone interactive water feature(s) or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to co-mingle with a pool;

(2) May be publicly or privately owned;

(3) May be operated by an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use;

(4) Include, but are not limited to, interactive water features or fountains that are open exclusively to members of an organization and their guests, residents of a multi-family or lodging establishment, residential real estate development, schools, child care facilities, youth camps, or hotel or other public accommodations facility;

(5) Not to include interactive water features or fountains located on private property under the control of the property owner or owner's tenant serving a single-family or duplex residence that are intended for use by not more than two resident families and their invited guests; and

(6) Are not fountains, installations, amusement rides, or other attractions, whether decorative or interactive, in which only incidental water contact occurs.

REGISTERED CERTIFIED POOL OPERATOR. A certified pool operator who has registered with the City of Mansfield Regulatory Compliance Department and has received a registration certificate from the Department.

REGULATORY AUTHORITY. The Director or Representative of the City of Mansfield Regulatory Compliance Department, or their authorized designees.

SPA. A product or structure that is two feet or more in depth, that is intended for recreational uses in temperature-controlled water which is circulated in a closed system, and not intended to be drained and filled with each use. It may include, but is not limited to, hydro jet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A **SPA** does not refer to a business establishment, such as a day spa or a health spa. Industry terminology for a **SPA** includes, but is not limited to, "hydrotherapy pool", "whirlpool", "hot spa", "hot tub", and the like. A **SPA** does not include a private residential spa."

SECTION 5.

Section 92.43 "Permit Required," of Chapter 92 "Health and Sanitation," of Title IX "General Regulations," of the Code of Mansfield, Texas, is hereby amended to read as follows:

"§ 92.43 PERMIT REQUIRED.

- (A) *Required.* It shall be unlawful for any person to operate a public pool, spa, or interactive water feature in the city without a current and valid pool, spa or interactive water feature permit. The provisions of this article shall not apply to a private residential pool.
- (B) *Posting.* A valid permit issued to a public swimming pool, spa or interactive water feature shall be posted on site in a conspicuous location visible to the users of the swimming pool, spa or interactive water feature.
- (C) *Nontransferable (change of ownership).* Permits issued under the provisions of this chapter are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in city ordinances and state law before a permit will be issued. The new owner shall notify the Regulatory Authority within ten days after assuming ownership of the pool, spa, or interactive water feature. There will be a change of ownership fees charged in an amount as set forth in the Department of Regulatory Compliance fee schedule.
- (D) *Multiple permits.* A separate permit shall be required for every public pool, spa, or interactive water feature.
- (E) The pool operator's registration certificate shall be displayed in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.
- (F) *Nonpayment.* A permit that lapses for nonpayment of the annual permit fee will be reinstated upon payment of the permit fee, except such permits which have lapsed for a period exceeding one month. Such permits shall be reinstated upon payment of the annual permit fee and late fee, as set forth in the City of Mansfield Regulatory Compliance fee schedule.
- (G) *Denial of permit.* A permit may be denied if the Regulatory Authority, upon inspection, determines that the applicant has failed to comply with any provision of this subchapter.
- (H) *Inspections for permits.* An inspection shall be required annually to qualify for a permit. A permit is valid for one year from the date of issuance."

SECTION 6.

Section 92.44 "Review of Plans and Requirements," of Chapter 92 "Health and Sanitation," of Title IX "General Regulations," of the Code of Mansfield, Texas, is hereby amended to read as follows:

"§ 92.44 REVIEW OF PLANS AND REQUIREMENTS.

- (A) *Submission of plans.* Before a public pool's and/or spa's and/or interactive water feature's construction or extensive remodeling begins, the person proposing to construct or remodel shall submit an application to the Regulatory Authority for review and approval. For purposes of this subchapter, the consideration of extensive remodeling shall be the alteration and/or repair of any structure, building or building system which requires the issuance of a building permit to complete. The application shall include:
- (1) The proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type and model of proposed fixed equipment and facilities and all associated buildings or structures;
 - (2) The construction or remodeling plans shall be under an engineer's seal, and specifications stating that the proposed construction or remodeling complies with the provisions of this subchapter and indicating the proposed layout, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

- (3) The date on or after which proposed construction is to begin;
 - (4) The phone number and address of the entity primarily responsible for constructing the pool, spa, or interactive water feature;
 - (5) The phone number and address of the entity primarily responsible for operating the pool, spa, or interactive water feature;
 - (6) Any other additional information necessary for the Regulatory Authority to verify compliance; and
 - (7) A Payment must be made to the City of Mansfield Regulatory Compliance Department, Texas, 1200 E. Broad Street, Mansfield, Texas 76063 in the amount set forth in the City of Mansfield Regulatory Compliance Department fee schedule.
- (B) All new and extensively remodeled public pools or extensively remodeled public pool features will need to have fencing that may not contain residential patios or any climbable structure, including furniture, within three feet of the fence and must conform to all current state statutes. All pool yards or spa yards must be completely enclosed on all four sides in a manner which prevents entering from a patio or operable window directly into the pool or spa yard. The enclosure must conform to 25 Texas Administrative Code Section 265.192 and Texas Health and Safety Code Chapter 757.
- (C) No work shall begin until the Regulatory Authority has received the engineer's certificate of preconstruction, conducted a plan review, and has confirmed with the appropriate City of Mansfield departments that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted. If work has not commenced within 180 days from the written date approved by the City of Mansfield, the Regulatory Authority may rescind the permit.
- (D) Approval. The Regulatory Authority shall approve plans and specifications that meet the requirements of these rules. No public pool, spa, or interactive water feature shall be constructed or extensively remodeled except in accordance with plans and specifications approved by the Regulatory Authority.
- (E) Post construction, a licensed professional engineer shall inspect the completed new or renovated pool, spa and/or interactive water feature construction and certify by original signature and engineer's seal that the structure has been installed or remodeled in accordance with 25 Texas Admin. Code Chapter 265, Subchapter L, "Public Swimming Pools and Spas," as amended."

SECTION 7.

Section 92.45 "Inspections," of Chapter 92 "Health and Sanitation," of Title IX "General Regulations," of the Code of Mansfield, Texas, is hereby amended to read as follows:

"§ 92.45 INSPECTIONS.

- (A) *Preoperational inspections.* The Regulatory Authority shall inspect a newly constructed or remodeled public pool, spa, or interactive water feature prior to operation to determine compliance with approved plans and specifications and with the requirements of this subchapter. Requested inspections must be made a minimum of three working days prior to the desired opening date.
- (B) *Inspections.* The Regulatory Authority shall inspect all public pools, spas, or interactive water features at least once per year. The owner or operator shall complete a permit application

providing the pool, spa, or interactive water feature owner's name and address and, if different, the pool or spa operator's name and address.

(C) *Inspection fees.* A required fee, as set out in the Regulatory Compliance Department fee schedule, shall be paid for preoperational inspections and, thereafter, on an annual basis. Fees shall be paid to City of Mansfield Regulatory Compliance Department, 1200 E. Broad Street, Mansfield, Texas 76063. Inspection fees shall be based on the number of public pools and/or spas located at a single address.

(D) If a facility is closed for noncompliance of this subchapter more than once during a pool season, or remains closed for a period longer than one month due to noncompliance, a reinspection, along with the payment of the applicable fee in accordance with the Department of Regulatory Compliance fee schedule, shall be assessed prior to the reopening the facility.

(1) Maintaining the facility in noncompliance shall be considered a violation under this subchapter."

(2)

SECTION 8.

Section 92.47 "Pool/Spa/Interactive Water Feature Closures and Records," of Chapter 92 "Health and Sanitation," of Title IX "General Regulations," of the Code of Mansfield, Texas, is hereby amended to read as follows:

"§ 92.47 POOL/SPA/INTERACTIVE WATER FEATURE CLOSURES AND RECORDS.

- (A) A public pool, spa, or interactive water feature shall be closed if any of the following conditions occur:
 - (1) Disinfectant level below the minimums set by the Texas Department of State Health Services;
 - (2) pH below 7.0 or a pH above 7.8;
 - (3) Inability to see bottom drain (poor visibility)
 - (4) Chlorine levels above 8.0 ppm;
 - (5) Gates or fencing of the enclosure not in good repair;
 - (6) Submerged suction outlet fittings (drain covers) that are missing, broken, cracked, unsecured, or expired;
 - (7) Fecal or vomit accident;
 - (8) Broken glass or sharp objects in aquatic venue or on deck area;
 - (9) Absence of all required lifesaving equipment on deck or the absence of safety equipment required;
 - (10) Cyanuric Acid (CYA) levels are equal to or greater than 300 ppm;
 - a. Whenever CYA levels are equal to or greater than 100 ppm action shall be taken as set by the Texas Department of State Health Services. Failure to conduct the required action(s) shall result in closure.
 - (11) Pool lights that are dislodged or leaking;
 - (12) Pool lights that are inoperable when needed;
 - (13) Unprotected overhead electrical wires within 20 feet (6.1 m) horizontally of the aquatic venue;
 - (14) Non-GFCI protected electrical receptacles within 20 feet (6.1 m) of the inside wall of the aquatic venue;
 - (15) Failure to maintain an emergency lighting source;
 - (16) Bonding of pool equipment, metallic fixtures and fittings, or pool/spa water if known to be compromised;

- (17) The absence of properly operated filtration, circulation, or sanitation systems; or
- (18) An incident or condition that presents an immediate and obvious risk to the public or staff's health and safety, or any item determined to be a public health hazard by the Regulatory Authority.
- (B) Upon the occurrence of any of the aforementioned conditions, the Regulatory Authority will immediately post a closed sign and the pool, spa or interactive water feature access gate shall be locked until all violations have been corrected.
- (C) For visible or reported fecal, vomit or blood accident in the facility, the most current CDC guidelines "Fecal Incident Response Recommendations for Aquatic Staff" shall be followed.
- (D) *Extended closures.* Owners of facilities that have been closed to the public for more than one year shall reapply for a permit to operate before reopening the facility or venue.
- (E) Daily records for each permitted public pool, spa, or interactive water feature shall be kept on premises, be available upon request by the regulatory authority, and shall include information pertaining to:
 - 1. Disinfectant - three times per day;
 - 2. pH - three times per day;
 - 3. Alkalinity - one time per week;
 - 4. Chemicals added - as noted by name, amount and date; and
 - 5. Other information needed to ensure the facility's proper operation.
- (F) Pools and spas that do not have on-site staff primarily responsible for pool and spa operations must be tested for disinfectant levels and pH a minimum of one time a day and the results must be recorded in the pool or spa log kept on premises and be made available upon request by the Regulatory Authority.
- (G) Facilities must maintain and provide the Regulatory Authority, a Certification Letter of a complete Electrical and Annual Ground Fault Circuit Interrupter (GFCI) Inspection Report conducted within the previous 12-month period on the pool spa, or interactive water feature electrical components by a registered licensed electrician. The electrician's report must certify that the public swimming pool spa, or interactive water feature meets all electrical requirements of this subchapter. If a valid record of the completed GFCI Inspection Report is not provided during an inspection this shall result in immediate closure of the facility and issuance of a citation. Any items noted for correction by the electrician in the certified report must be repaired prior to opening a swimming pool or spa for the season.
- (H) Water chemistry test methods shall be capable of measuring chemical ranges as set forth in 25 Texas Administrative Code Chapter 265 without dilution of pool, spa, or interactive water feature.
- (I) Pool water must be maintained with sufficient clarity to permit a distinct view of the main drain from outside the pool, regardless of whether the pool is operational.
- (J) A replacement drain cover with fasteners meeting the manufacturer's specifications must be kept on site. The replacement drain cover shall be identical to the drain cover(s) in use. The installation date of the drain cover(s) in use must be logged and available upon request by the Regulatory Authority. A Virginia Graeme Baker Pool and Spa Act certificate with expiration date and date of installation of drain cover(s) shall also be kept on file."
- (K)

SECTION 9.

Section 92.48 "Suspension and Revocation of Permit," of Chapter 92 "Health and Sanitation," of Title IX "General Regulations," of the Code of Mansfield, Texas, is hereby

amended to read as follows:

“§ 92.48 SUSPENSION AND REVOCATION OF PERMIT.

(A) *Notice of suspension.* The Regulatory Authority may temporarily suspend the permit of a public pool, spa, or interactive water feature for noncompliance with state pool, spa, or interactive water feature standards, by issuing a written notice for suspension. When a permit is suspended, pool, spa, or interactive water feature operations shall immediately cease. The Regulatory Authority will immediately post a closed sign and the pool, spa, or interactive water feature access gate shall be locked until any and all violations have been corrected.

(B) *Reinstatement of permit after suspension.* Whenever a notice of suspension is issued by the Regulatory Authority, the holder of the permit or the person in charge will be given an opportunity to correct the violation(s) prior to final revocation of the permit. The regulatory authority may end the suspension any time if the reasons for suspension no longer exist.

(C) *Revocation of permit.* The Regulatory Authority may, after providing notice of pending revocation and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Regulatory Authority in the performance of its duties. Prior to revocation, the Regulatory Authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice. Unless a written request for a hearing is filed with the Regulatory Authority by the holder of the permit within such ten-day period, the revocation of the permit becomes final.

(D) *Service of notices.* A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge of pool and/or spa and/or interactive water feature operations, or when it is sent by registered or certified mail, return receipt requested, to the address listed on the permit application. A copy of the notice shall be filed in the records of the Regulatory Authority.

(E) *Hearings.* The hearings provided for in these rules shall be conducted by the Regulatory Authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the Regulatory Authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Regulatory Authority within five days of the completion of the hearing.

(F) *Right of appeal.* Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the Regulatory Authority.

(G) *Application after revocation.* Final revocation of a pool and/or spa and/or interactive water feature permit shall not prevent the holder of the revoked permit from making written application for a new permit to the Regulatory Authority.

(H) *Closed pool, spa, or interactive water feature.* Prior to reopening, the owner or operator shall provide the application and fee required by § 92.44(A) if a pool or spa:

- (1) Closes voluntarily at the request of the Regulatory Authority on more than two occasions in one calendar year; or
- (2) Closes on court order on more than two occasions in one calendar year.”

SECTION 10.

Section 92.49 “Public Pool/Spa Manager Certification,” of Chapter 92 “Health and

Sanitation,” of Title IX “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 92.49 PUBLIC POOL/SPA MANAGER CERTIFICATION.

(A) *Requirement.* All facilities permitted under this chapter shall have at least one registered certified pool operator employed and ready to maintain the pool, spa, or interactive water feature. All public commercial establishments with a pool permitted under this chapter shall employ at least one on-site staff member that is a registered certified pool operator.

(B) *Registration Certificate.* A registration certificate for a certified pool operator shall be issued by the Regulatory Authority to any person who submits the required application, pays the required fee in accordance with the Department of Regulatory Compliance fee schedule, and provides evidence of being a certified pool operator.

(C) *Termination of certified pool, spa, or interactive water feature operator.* In the event that a registered certified pool operator is terminated or transferred, a new registered certified pool operator must be designated within 60 days from the termination or transfer date. This requirement is applicable even if pool, spa, or interactive water feature maintenance operations are contracted to an outside company.

(D) *Term of registration.* Unless otherwise revoked by the Regulatory Authority, a registration certificate expires on the same expiration date listed on the approved certification from an accredited program.

(E) Placement

(1) Non-transferability of registration. A registration certificate is not transferable.

(2) Posting of certificate. The registration certificate must be posted in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.

(F) Class C and D pools and spas.

(1) If a registered certified pool operator is not employed on-site at the public pool and/or spa, the owner or person in control of the pool and/or spa shall post a sign visible from the deck of the pool and/or spa stating the telephone number of the registered certified pool operator.

(2) The letters in such signs shall be of a minimum height of a one inch and shall be of a color contrasting to their background.

(a) At minimum, such signs shall state: “TO REPORT MECHANICAL, SAFETY, OR WATER QUALITY PROBLEMS WITH THIS FACILITY, CALL {INSERT CONTACT INFORMATION} DURING HOURS OF OPERATION.”

(b) Such signs shall state information regarding where to report health code violations.

(c) Such signs shall be of a weather-resistant construction and shall be posted where they are readily visible to a reasonably observant person.

(3) A person commits an offense if the person owns or is in control of a swimming pool and/or spa with no registered certified pool operator employed on-site and fails to post or maintain signs required by this chapter.”

SECTION 11.

This Ordinance shall be cumulative of all provisions of the ordinances and of the Code of Ordinances, City of Mansfield, Texas, except where the provisions of this Ordinance are in direct

conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of the other ordinances and such code are hereby repealed.

SECTION 12.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 13.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 10.99 of the Code of Ordinances, City of Mansfield, Texas. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

SECTION 14.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of Chapter 92 of Title IX of the Code of Ordinances, City of Mansfield, Texas, or any other ordinance regarding the regulation of public swimming pools and spas, including interactive water features, that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 15.

The City Secretary is hereby directed to publish in the official newspaper of the City of Mansfield, the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 16.

This Ordinance shall take effect immediately from and after its passage on first and final reading and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL
OF THE CITY OF MANSFIELD, TEXAS, THIS 26TH DAY OF FEBRUARY, 2024.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney