

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTIONS 110.28 AND 110.33 OF SUBCHAPTER ENTITLED “CHILD CARE FACILITIES” OF CHAPTER 110, “GENERAL PROVISIONS,” OF TITLE XI “BUSINESS REGULATIONS” OF THE CODE OF MANSFIELD, TEXAS, ADOPTING THE FEE SCHEDULE BY REFERENCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; 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 previously adopted regulations regulating child care facilities; 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.

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 110.28 “Permit Application,” of Chapter 110 “Child Care Facilities,” of Title XI “Business Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 110.28 PERMIT APPLICATION.

(E) Fire permit inspection fee. An annual fire permit fee, established in the Master Fee Schedule Adopted by the City Council, as amended from time to time, shall be payable upon application to the Fire Department, and thereafter, no later than January 30 of each year. No refund or proration of any fee required hereunder shall be made.

...

(D) Plan review and operation standards.

(1) Whenever a child-care center or before and after-school facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a child-care center or before and after-school facility, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review

and approval before construction, remodeling, or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the State of Texas, the regulatory authority, and city ordinances. A plan review fee will be charged per the Master Fee Schedule adopted by City Council, as amended from time to time.”

SECTION 3.

Section 110.33 “Health Permit Fees,” of Chapter 110 “Child Care Facilities,” of Title XI “Business Regulations,” of the Code of Mansfield, Texas, is hereby amended to add the following definitions:

“§ 110.33 HEALTH PERMIT FEES.

(B) Fees. Permit fees are established in the Master Fee Schedule adopted by City Council, as amended from time to time.”

SECTION 4.

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 5.

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

SECTION 6.

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 7.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of Chapter 110 of Title XI of the Code of Ordinances, City of Mansfield, Texas, or any other ordinance regarding the regulation of child care facilities, 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 8.

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 9.

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD THIS 28TH DAY OF OCTOBER, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney