

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 94 “FOOD ESTABLISHMENTS AND FOOD HANDLERS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (“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 Texas Local Government Code; and,

WHEREAS, the City’s previously adopted Food Establishment Regulations were adopted in 2014 and drafted to reflect Tarrant County’s enforcement, the City now requires Food Establishment regulations intended to be enforced by the City, and drafted to reflect the City’s current needs; and,

WHEREAS, the City Council has passed ordinances updating several sections of the City’s Code of Ordinances to reflect the change in inspection entity from Tarrant County to the City, in order to provide fair notice to persons needing premises inspections; and,

WHEREAS, the Texas Department of State Health Services has amended Chapter 228 of the Texas Administrative Code to adopt by reference the U.S. Food and Drug Administration Food Code 2017 and the Supplement to the 2017 Food Code as their minimum standards; and,

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to update the Code of Ordinances of the City to reflect this change by passage of this Ordinance.

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

SECTION 1.

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully-effective as a part of the ordained subject matter of this Ordinance.

SECTION 2.

The Code of Ordinances of the City of Mansfield, Title IX “General Regulations,” Chapter 94 “Food Establishments and Food Handlers” is hereby amended with the text of Chapter 94 attached herein as Exhibit A.

SECTION 3.

All ordinances of the City in conflict with the provisions of this Ordinance be, and the

same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 5.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 7.

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, 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 10TH DAY OF JANUARY, 2022.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin, City Attorney