

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTION 94.01 “ADOPTION OF STATE RULES ON FOOD SERVICE SANITATION”, OF CHAPTER 94, “FOOD ESTABLISHMENT REGULATIONS,” OF TITLE IX “GENERAL REGULATIONS” OF THE CODE OF MANSFIELD, TEXAS; REVISING COMPLIANCE STANDARDS FOR FOOD ESTABLISHMENTS; 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 has previously adopted regulations regarding food service sanitation; 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 Section 94.01 of the Code of Mansfield as set forth below.

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

SECTION 1.

That 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 94.01 “Adoption of State Rules on Food Service Sanitation,” of Chapter 94 “Food Establishment Regulations,” of Title IX “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“Section 94.01 Adoption of Federal and State Rules on Food Service Sanitation.

The City of Mansfield hereby adopts by reference the provisions of the current Texas Food Establishment Rules (TFER) set forth in Tex. Admin. Code Title 25, Chapter 228, and the most recently adopted U.S. Food and Drug Administration (FDA) Food Code, as may be amended, which establishes regulations regarding food, food establishments, mobile food units, food trucks and temporary food establishments, save and except the deletions and additions set forth below. The TFER and FDA Food Code are made part of this chapter as if fully set forth herein.

Copies of the TFER and FDA Food Code are on file in the office of the City Secretary, being marked and designated as the TFER, published by the Texas Department of State Health Services and the FDA Food Code, including any updated supplements. In the case that there is a conflict between TFER and the FDA Food Code, the most restrictive regulations shall apply, as may be allowed by law.”

SECTION 3.

This Ordinance shall be cumulative of all provisions of the ordinances and of the Code 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 4.

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 5.

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 Mansfield, Texas. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

SECTION 6.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of Chapter 94 of Title IX of the Code of Ordinances, City of Mansfield, Texas, or any other ordinance regarding the regulation of food establishments, 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 7.

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 8.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD THIS 10th DAY OF NOVEMBER, 2025.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Victor Flores, City Attorney