

ORDINANCE NO. 26-0012

AN ORDINANCE OF THE CITY OF TRINITY, TEXAS, ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES; ESTABLISHING A LOCAL FOOD ESTABLISHMENT INSPECTION AND ENFORCEMENT PROGRAM; PROVIDING FOR INSPECTIONS, VIOLATIONS, CORRECTIVE ACTION, AND ENFORCEMENT; ESTABLISHING AN INSPECTION FEE; PROVIDING THAT THIS ORDINANCE DOES NOT ESTABLISH A CITY FOOD ESTABLISHMENT PERMIT REQUIREMENT; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Trinity finds that protecting the public health, safety, and welfare requires appropriate regulation, inspection, and enforcement of food safety requirements within the City; and

WHEREAS, the Texas Department of State Health Services has established the Texas Food Establishment Rules (TFER), 25 Texas Administrative Code, Chapter 228, as the applicable food safety standards for retail food establishments; and

WHEREAS, Texas Health and Safety Code Chapter 437 authorizes municipalities to regulate food establishments within their jurisdiction to the extent authorized by state law; and

WHEREAS, the City Council desires to establish a local food establishment inspection and enforcement program within the City of Trinity; and

WHEREAS, the City of Trinity has historically not required a separate City-issued food establishment permit, and the City Council does not intend for this Ordinance to establish such a permit requirement; and

WHEREAS, food establishments operating within the City remain responsible for obtaining and maintaining any permit, license, registration, certification, or other authorization required by the State of Texas or another governmental authority having jurisdiction; and

WHEREAS, the City Council intends for this Ordinance to be administered consistently with Texas Health and Safety Code Chapter 437, the Texas Food Establishment Rules, and all other applicable state law.

SECTION 1. ADOPTION OF TEXAS FOOD ESTABLISHMENT RULES

The Texas Food Establishment Rules, 25 Texas Administrative Code, Chapter 228, as amended and in effect from time to time, are hereby adopted by reference and shall constitute the food safety and sanitation standards applicable to food establishments within the City of Trinity to the extent authorized by Texas law.

The City shall administer and enforce the TFER in accordance with applicable Texas law.

If any provision of this Ordinance conflicts with controlling state law or a controlling rule or order of the Texas Department of State Health Services, the controlling state law, rule, or order shall prevail.

SECTION 2. LOCAL FOOD ESTABLISHMENT INSPECTION AUTHORITY

The City of Trinity establishes a local food establishment inspection and enforcement program for food establishments located within the City's jurisdiction, to the extent authorized by Texas law.

The City Manager may designate qualified City personnel or contract with qualified persons to conduct food establishment inspections and administer the City's food inspection program.

The City's designated representatives shall have the authority provided to the City by this Ordinance, the TFER, Texas Health and Safety Code Chapter 437, and other applicable law.

SECTION 3. FOOD ESTABLISHMENT PERMITS

This Ordinance does not establish or require a City-issued food establishment permit.

Food establishments operating within the City of Trinity shall comply with all applicable requirements of the Texas Food Establishment Rules, 25 Texas Administrative Code, Chapter 228, and all other applicable state laws and regulations.

Nothing in this Ordinance shall be construed to waive, eliminate, or replace any permit, license, registration, certification, or other authorization required by the State of Texas or another governmental authority having jurisdiction.

The City of Trinity's inspection and enforcement authority under this Ordinance is independent of any state-issued permit or authorization required by applicable law.

SECTION 4. INSPECTIONS

The City is authorized, to the extent permitted by law, to conduct inspections of food establishments located within its jurisdiction.

Inspections may include:

1. Initial or baseline inspections.
2. Pre-operational inspections when authorized or appropriate.
3. Routine inspections.
4. Complaint investigations.
5. Follow-up inspections.
6. Inspections necessary to investigate an imminent health hazard or other condition affecting public health.

Inspections shall be conducted in accordance with the TFER and applicable Texas law.

SECTION 5. RIGHT OF ENTRY

An authorized representative of the City may enter a food establishment during normal operating hours, or at another reasonable time authorized by law, for the purpose of conducting an inspection authorized by this Ordinance, the TFER, or applicable law.

If entry is refused, the City may pursue any remedy authorized by law.

SECTION 6. VIOLATIONS AND CORRECTIVE ACTION

Violations identified during an inspection shall be documented and shall be corrected in accordance with the TFER and applicable law.

The City may issue a written notice of violation identifying the violation and the corrective action required.

The City may conduct a follow-up inspection to determine whether violations have been corrected.

Nothing in this section limits any authority granted to the City by Texas law to address an imminent health hazard.

SECTION 7. IMMINENT HEALTH HAZARDS

When an imminent health hazard exists, the City may take action authorized by the TFER, Texas Health and Safety Code Chapter 437, and other applicable law.

Any closure, restriction, suspension, or other immediate action shall be taken only to the extent authorized by applicable law and shall comply with applicable notice, hearing, and due-process requirements.

SECTION 8. ENFORCEMENT

A violation of this Ordinance or an applicable provision of the Texas Food Establishment Rules may be enforced through any remedy authorized by law, including:

1. Written notice of violation.
2. Corrective action.
3. Reinspection.
4. Municipal court citation when authorized by law.
5. Referral to the Texas Department of State Health Services or another governmental authority having jurisdiction.
6. Abatement or other lawful action.
7. Any other remedy authorized by state law or City ordinance.

Nothing in this Ordinance authorizes the City to impose a permit, fee, penalty, license, certification, or other requirement prohibited by Texas law.

SECTION 9. INSPECTION FEES

The City of Trinity is authorized to establish and collect a fee for food establishment inspections conducted by the City pursuant to this Ordinance.

The inspection fee shall be established by resolution of the City Council and may be included in the City's adopted fee schedule. The fee may apply to initial, routine, follow-up, complaint, or other inspections conducted by the City as part of its food establishment inspection and enforcement program, as authorized by law.

The inspection fee is intended to recover reasonable costs associated with the City's administration and inspection of food establishments and shall not be construed as a food establishment permit fee or as creating a City-issued food establishment permit requirement.

Payment of an inspection fee does not relieve a food establishment of its obligation to obtain and maintain any permit, license, registration, certification, or other authorization required by the State of Texas or another governmental authority having jurisdiction.

Any inspection fee established under this section shall be administered consistently with Texas Health and Safety Code Chapter 437, the Texas Food Establishment Rules, and all other applicable state law.

SECTION 10. STATE LAW CONTROLS

This Ordinance shall be construed consistently with Texas Health and Safety Code Chapter 437, the Texas Food Establishment Rules, and all other applicable state law.

If any provision of this Ordinance conflicts with controlling state law, the conflicting provision shall be unenforceable to the extent of the conflict, and the remainder of the Ordinance shall remain in effect.

Nothing in this Ordinance shall be construed to expand the City's authority beyond that granted by state law.

SECTION 11. DSHS NOTIFICATION AND REGISTRY

To the extent required by Texas Health and Safety Code Chapter 437, the City shall submit this Ordinance to the Texas Department of State Health Services for inclusion in the applicable municipal ordinance registry.

The City shall comply with any applicable statutory waiting period before conducting an inspection to determine compliance with a local requirement that differs from state law or a Department rule or order.

SECTION 12. REPEALER

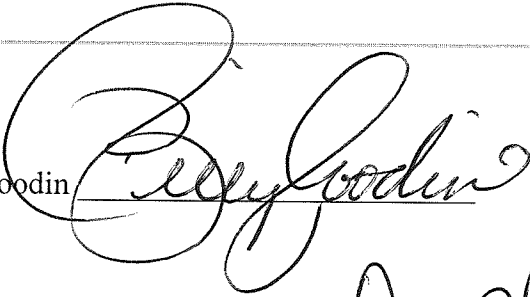
All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

SECTION 13. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance regardless of the invalidity of any one or more provisions.

PASSED AND APPROVED by the City Council of the City of Trinity, Texas, this 24th day of August, 2026.

Mayor – Billy Goodin

A large, stylized handwritten signature in black ink, appearing to read "Billy Goodin", written over a horizontal line.

ATTEST: City Manager – Tracy Hutto

A handwritten signature in black ink, appearing to read "Tracy Hutto", written over a horizontal line.