

ORDINANCE NO. 2026-11284

AN ORDINANCE OF THE CITY OF IRVING, TEXAS, AMENDING CHAPTER 18 (FOOD ESTABLISHMENTS) OF THE CITY'S CODE OF ORDINANCES BY ADOPTING A NEW SECTION 18-4 ESTABLISHING STANDARDS FOR CHARITABLE FOOD SERVICE, INCLUDING NOTICE, FOOD SAFETY, HAND HYGIENE, SITE CLEANLINESS, AND ENFORCEMENT; AND PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Irving (the "City"), as a home-rule municipality, has the full power of local self-government and may enact ordinances for the good government, peace, and order of the City and to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City desires to protect public health, ensure safe food handling practices, and preserve the cleanliness and usability of public property while supporting charitable activities; and

WHEREAS, organized charitable distribution or service of food may occur in public parks and other public and private locations, and reasonable coordination and baseline health safeguards help keep public spaces safe and accessible for all users; and

WHEREAS, the City Council finds that establishing a notification process for coordination and public health purposes, together with food safety, hand hygiene, and site clean-up expectations, promotes and protects the public health, safety, and general welfare.

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

SECTION 1. That the findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. That Chapter 18 (Food Establishments) of the Code of Ordinances of the City of Irving, Texas, is hereby amended by adding a new section 18-4 (Charitable Food Service) to read as follows:

18-4 Charitable Food Service

- a. ***Purpose and Intent.*** The purpose of this section is to facilitate charitable food service while ensuring to the extent possible that it is conducted in a safe and sanitary environment. It is the city's intent to protect public health, ensure safe food handling practices, and preserve the cleanliness and usability of public and private property.
- b. ***Applicability and Definitions.***
 - 1) For the purposes of this Chapter *Charitable food services* means providing food without charge, payment, or other compensation to benefit those in need at an outdoor

location not owned, leased or controlled by the individual or organization providing the food or being provided in a location that does not have a food establishment permit.

- 2) This section applies to any individual or organization conducting organized food service that is intended to support charitable activities while ensuring public spaces remain safe and accessible for all users
- 3) No permit or permit fee is required for charitable food service conducted in compliance with this section.
- 4) Chapter 33B (Special Events) shall not apply to charitable food service conducted in compliance with this section.

c. Notification Requirement

- 1) Any individual or organization intending to charitably serve or distribute food must notify the health manager in writing at least forty-eight (48) hours prior to the planned service or as deemed necessary by the health manager. Notification is required for coordination and public health purposes and does not constitute approval or denial of the activity by health manager or designee.
- 2) Notification shall be submitted via email to irving-permits@irvingtx.gov, Attn: Health Manager.
- 3) In order to be considered complete the notification must contain all the following information:
 - a) Name of the individual or organization serving the food
 - b) Date or dates of service
 - c) Start and end times of service
 - d) Location of service, including physical address
 - e) Indication of whether Time and Temperature Control for Safety (TCS) foods is required
 - f) Name and phone number of an on-site responsible contact available during the service
 - g) Proof of property use approval on a form promulgated by the health manager.
- 4) Any necessary revisions to the notification or supplemental information requested by the health manager or designee shall be provided prior to any charitable food service occurring.

d. General Authority and duty of Health Division

- 1) The health manager or designee shall implement, administer, and enforce the provisions of this chapter.
- 2) The health manager or designee has the authority to take all necessary enforcement action, including the issuance of citations, when all requirements of this Chapter have not been met.

e. Food Safety Regulations

- 1) All food must be prepared, transported, and served in accordance with Texas Food Establishment regulations (TFER) and Chapter 18 of the City of Irving Code of Civil and Criminal Ordinances.

- 2) If Time and Temperature Control for Safety (TCS) foods are provided, the following requirements apply:
 - a) Cold foods must be maintained at forty-one (41) degrees Fahrenheit or below
 - b) Hot foods must be maintained at one hundred thirty-five (135) degrees Fahrenheit or above
 - a) Foods must be prepared, transported, and served within four (4) hours of preparation
 - b) A trained or certified food handler may be required when TCS foods are served
- 3) The City may conduct inspections or site visits as necessary to verify compliance with food safety requirements.
- f. ***Hand Hygiene Requirements.*** When food is distributed in an open or unpackaged manner, proper hand hygiene must be provided using one of the following methods:
 - 1) A temporary handwashing station consisting of a container with a free-flowing spigot, soap, paper towels, and a wastewater catch container. Wastewater must be disposed of properly and not onto the ground or into a storm drain.
 - 2) Use of hand sanitizing wipes approved for food service or restaurant use
- g. ***Site Cleanliness and Waste Removal***
 - 1) The individual or organization providing food service is responsible for maintaining the cleanliness of the service area.
 - 2) Requirements include:
 - a) Providing adequate trash and waste receptacles during the service
 - b) Cleaning all trash, debris, and food waste generated by the service
 - c) Removing all leftover food from the site
 - d) Restoring the service area and surrounding area within a reasonable radius at the conclusion of the service
 - 3) All property must be left in a clean condition immediately following the conclusion of food service.

SECTION 3. That Chapter 18 (Food Establishments) of the Code of Ordinances of the City of Irving, Texas, is hereby amended by revising 18-3 (Penalty, Continuing Violations) to read as follows:

18-3 Penalty; Enforcement

- a. A person who violates any provision of this chapter commits a Class C misdemeanor offense, and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00). A person who intentionally, knowingly, recklessly, or with criminal negligence violates a provision of this chapter governing fire safety, zoning, or public health and sanitation shall be punished, upon conviction, by a fine not to exceed two thousand dollars (\$2,000.00). A violation of each separate provision of this chapter shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.

- b. Unless specifically provided otherwise by this section, or state or federal law, an offense under this chapter is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.
- c. The criminal remedies in this section are in addition to and cumulative of the remedies available to the city for enforcement of the provisions of this chapter. Nothing in this section shall limit any and all other criminal, civil, or administrative remedies available to the city in seeking to enforce the provisions of this chapter, including but not limited to a petition for civil penalties.

SECTION 4. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 5. Should any paragraph, sentence, 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, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect August 1, 2026 and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on June 11, 2026.

ALBERT C. ZAPANTA
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney