

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 019-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE TOWN RELATING TO THE PUBLIC HEALTH, SAFETY AND WELFARE AND THE ISSUANCE OF PERMITS OR LICENSES IN CONNECTION THEREWITH, BY AMENDING SECTION 18-723 (FEE FOR PERMIT TO OPERATE A PUBLIC POOL OR SEMIPUBLIC POOL OR SPA), SECTION 46-32(B) (FEE FOR PERMIT TO OPERATE A FOOD ESTABLISHMENT), AND SECTION 82-203 (A) (FEE AND DISPLAY OF PERMIT FOR LIQUID WASTE TRANSPORTATION), AND BY CREATING CHAPTER 2 – ADMINISTRATION, ARTICLE IX. – FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “Town”) has conducted an investigation and analysis regarding the fees described herein, and has determined that such fees should be adjusted as set forth in this Ordinance, and such fees are all established with a view of and to promote the health, safety, welfare, convenience and enjoyment of the public, including to protect the public welfare; and

WHEREAS, the adoption of this Ordinance and amendments set forth herein are for and in the best interested of the health, safety and welfare of the City and its citizens.

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

Section 1. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Chapter 18, Buildings and Building Regulations is hereby amended by amending Section 18-723. – Insurance; fee. To read in its entirety as follows.

CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS

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ARTICLE XII. – SWIMMING POOLS AND SPAS

Section 18-723. – Insurance; fee.

The inspector shall issue a swimming pool permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is established in Chapter 2 – Administration, Article IX – Fees. The fee is due on or before March 1 of a calendar year. If a permit is initially issued after March 1 of a calendar year, the fee for the year will be prorated according to the number of whole months remaining in the year. No refunds will be made.

Section 3. Chapter 46 – Health and Sanitation is hereby amended by amending Section 46-32. – Food service regulations Subsections (b) (4) and (c) (2) to read in its entirety as follows.

CHAPTER 46, HEALTH AND SANITATION

ARTICLE I. – IN GENERAL

Section 46-32. – Food service regulations.

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(b) *Permit required; issuance; exceptions.*

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- (4) The application shall be accompanied by a nonrefundable permit fee as established in Chapter 2, Administration, Article IX. Fees

(c) *Certified food protection manager.* The Rules are further amended as follows:

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- (2) Every food establishment that has employees whose work brings them in contact with the handling of food, utensils, or food service equipment shall have a certified food protection manager.
- a. A certified food protection manager is a manager or person in charge, on duty during all times of operation, and who has completed a food protection management class from any accredited institution or firm of their choice as accredited by the Texas Department of Health.
 - b. Food establishments that serve, sell, or distribute only pre-packaged foods and non-potentially hazardous beverages, and temporary food establishments are exempt from this section.
 - c. A certified food protection manager is required for each food establishment. The Town of Addison may require additional certified operators in sufficient number to insure that all areas of food preparation and food service, during times of operation, are under the direction of certified supervisory personnel.
 - d. If a food establishment does not meet the requirements for a certified food protection manager because of the termination or transfer of certified personnel, the food establishment shall employ another certified food protection manager within forty-five (45) days after such termination or transfer.
 - e. Food protection management certification shall be valid for not less than three (3) years at which time an approved food protection re-certification class must be completed. Re-certification shall be completed within forty-five (45) days after the expiration of the original certification, and every three (3) years thereafter.
 - f. Fee collected by the Town of Addison for registration with the Town as a food protection manager shall be as established in Chapter 2 – Administration, Article IX – Fees.

Section 4. Chapter 82 – Utilities is hereby amended by amending Section 82-203. – Food service regulations, Subsection (a) to read in its entirety as follows.

Section 82-203. – Fee and display of permit.

- (a) The approving authority shall not issue a permit to an applicant until the fee established in Chapter 2 – Administration, Article IX – Fees, is paid. Each permit must be renewed annually.

Section 5. Chapter 2 – Administration is hereby amended by adding Article IX – Fees to read in its entirety as follows.

ARTICLE IX. – FEES

Section 2-350. General

- (a) To the extent allowed by law, the general and special fees and charges to be assessed and collected by the Town of Addison as authorized by this Code or any other code or ordinance of the Town shall be as established by appropriate city council ordinance.
- (b) The purpose of this chapter is to provide reference to such fees and charges which shall be assembled and maintained in a master fee ordinance and may be amended from time to time.
- (c) In the event there is a conflict between a fee established by a code or ordinance and the provisions of such master fee ordinance, the code or ordinance shall prevail.

Section 2-351. Master Fee Ordinance

- (a) Environmental Health Fees

Food Category	Fee
Grocery stores, and similar uses	\$475
Full-Service Restaurant, Bakeries and Hotels Schools, Hospitals, and similar uses	\$375
Fast Food Restaurants and Bakeries, Sandwich Shops / Delis, Snack Bars, Day Cares, Catering Services,	\$300

Coffee Shops – Full Service, Event Centers – Full Kitchen, Commissaries – Full Service, and similar uses	
Convenience and Retail Stores, Bakery -Baked goods only, Food Warehouse, Seafood/Meat Market, Coffee Shop – Coffee only, Hotel/Motel (Continental), Vending Distributor, Ice Cream Shop, Concession Stand, Brewery, Event Center – Warming Kitchen, Commissary – No Cooking, Pre-packaged Retailer, and similar uses	\$200
Mobile Food Unit - Full Service	\$275
Mobile Food Unit - Pre-packaged	\$175
Temporary Food Events	\$100
Special Temporary Events	\$100
Food Manager Registration	\$25
Pool/Spa Permit	\$175
Additional Pool/Spa Permits	\$150
Liquid Waste Hauler	\$135
Additional Waste Hauler Truck	\$90

Section 6. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 7. 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 8. This Ordinance shall take effect on January 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 10th day of September 2019.

Joe Chow, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney