CITY OF PLANO
COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	
☐ Consent ☐ Regular ☐ Statutory	
Council Meeting Date:	01/27/14
Department:	ENVIRONMENTAL HEALTH
Department Head	GEOFFREY HEINICKE
Agenda Coordinator (include phone #):	**Doris Callaway, Ext. 7494**

CAPTION

An Ordinance of the City Council of the City of Plano, Texas, repealing Ordinance Nos. 2013-12-11, 2012-12-17 and 2012-11-24, and replacing them with this Ordinance, to be entitled "Health Categories and Fees," to amend Animal Services and Environmental Health fees; providing a repealer clause, a severability clause, and an effective date.

FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☒ REVENUE ☐ CIP

FISCAL YEAR: **2013-14**	**Prior Year (CIP Only)**	**Current Year**	**Future Years**	**TOTALS**
Budget	0	0	0	**0**
Encumbered/Expended Amount	0	0	0	**0**
This Item	0	0	0	**0**
BALANCE	0	0	0	**0**

FUND(S): GENERAL

COMMENTS: The revenue impact of the Ordinance changes are unknown at this time.

STRATEGIC PLAN GOAL: Updates to the Health Categories and Fees Ordinance relate to the City's Goal of a Financially Strong City and Service Excellence and a Safe Large City.

SUMMARY OF ITEM

This Ordinance will reflect fees for specific services provided by the department.

Adding "annual temporary permit" fee and expedited processing fee for "animal exhibition" permit applications submitted less than fourteen days prior to an event to "Health Categories and Fees."

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies

An Ordinance of the City Council of the City of Plano, Texas, repealing Ordinance Nos. 2013-12-11, 2012-12-17 and 2012-11-24, and replacing them with this Ordinance, to be entitled "Health Categories and Fees," to amend Animal Services and Environmental Health fees; providing a repealer clause, a severability clause, and an effective date.

WHEREAS, on November 26, 2012, the City Council of the City of Plano duly passed Ordinance No. 2012-11-24 which adopted permit and inspection fees for animal and health department services; and

WHEREAS, on December 18, 2012, the City Council of the City of Plano duly passed Ordinance No. 2012-12-17 which amended definitions in the fee ordinance; and

WHEREAS, on December 17, 2013, the City Council of the City of Plano duly passed Ordinance No. 2013-12-11 which amended permit and inspection fees for newly added Health Department services; and

WHEREAS, staff recommends that the Animal Services and Health fee schedule be amended to include new fees and increases to certain existing fees; and

WHEREAS, the City Council recognizes that these amendments are necessary to address increased administrative costs for providing specific services; and

WHEREAS, generation of resources through fees needed to administer the programs and services of the City of Plano is of vital concern to all citizens and must be considered for each year in concurrence with the annual budget for the City; and

WHEREAS, the City Council, based upon staff recommendations and review and consideration of these matters, and in concurrence with the adoption of the annual budget for the City of Plano, has determined that it is in the best interest of the City of Plano, Texas, to revise the fees hereinafter set forth, and that they are proper and should be approved and adopted.

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

Section I. Ordinance Nos. 2013-12-11, 2012-12-17, and 2012-11-24 providing permit and service fees for certain health department services are hereby repealed and replaced with the following text:

"Definitions.

Farmers' Market means an area at which two (2) or more farmers' market vendor's offer produce or agricultural products for retail sale.

Farmers' Market Vendor means any person who offers or sells produce or agricultural products at a farmers' market.

Full Service means a food service operation that prepares two or more products that involve cooking of raw meat or cooling and reheating of any cooked product.

Fast Food means a food service operation that is primarily a cook-serve operation with minimum cooling of cooked products and no reheating.

Convenience Store means a food operation that sells pre-packaged food items (including Potentially Hazardous Foods "PHF"), whole fruit and pastry items with limited hot hold service.

Retail Store means a food operation without on-site cooking that sells packaged food items for retail sale; including but not limited to PHF items.

Specialty/Coffee Shops means a food operation that sells liquid drinks, coffee, pastries or prepackaged food items.

Bakery means a food operation that sells baked goods, coffee, and beverages. PHF's are limited to one (kolache), no sandwiches or salads.

Prepackaged Stores means a food operation that sells only prepackaged foods or prepackaged foods and single service ice cream. A food operation may not be considered a prepackaged store if it sells milk.

Grocery Store means a facility that provides food items for retail sales to the general public and that contains two or more of the following categories of food items: (a) bakery/deli items, (b) meat/seafood, (c) produce, dairy, and grocery, but which does not have fast food, coffee shop, or other ready-to-eat food service operations within the facility.

Mega Store means a facility that meets the definition of a Grocery Store, but which also has fast food, coffee shop, or other food service operations serving ready-to-eat food located within the facility. These include, but are not limited to, a franchised food service operation located within the facility.

Seafood/Meat Market means a facility that sells primarily raw meat or seafood products.

Exempt means all public schools located in the Plano City Limits and City of Plano facilities.

Potentially Hazardous Food/Time and Temperature Control for Safety Food (PHF/TCS) means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin production which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does include fresh shell eggs, which is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes that are not modified in a way so they are unable to support pathogenic microorganism growth or toxin formation; and garlic-in-oil

mixtures that are not modified in a way that results in mixtures that do not support growth. This term does not include: an air-cooled hard-boiled egg with shell intact, or a shell egg that is not hard-boiled, but has been treated to destroy all viable Salmonellae; a food, in an unopened commercially hermetically sealed container, that is shelf stable; a food for which a product assessment including laboratory evidence, demonstrates that time and temperature control for safety is not required and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or a food that does not support the growth of microorganisms as specified even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

HEALTH DEPARTMENT FEES

FOOD ESTABLISHMENT PERMIT FEES:	Fee
1. Mega Stores	$ 1000.00
2. Grocery Stores	$ 800.00
3. Full Service	$ 500.00
4. Exempt	-0-
5. Fast Foods	$ 400.00
6. Convenience	$ 300.00
7. Non-PHF	$ 200.00
8. Misc. Vending	
A. Hot Trucks	$ 300.00
B. Catering, Prepackaged	$ 275.00
C. Push Cart (Ice Cream)	$ 150.00
9. Seasonal, Non-PHF	$ 150.00
Temporary	$ 75.00
Annual Temporary	$ 500.00
10. Farmers' Market	
A. 1-30 Vendors	$ 200.00
B. 31-60 Vendors	$ 400.00
C. 61+ Vendors	$ 600.00
11. Variance Application/Renewal Fee	$ 100.00
12. Plans review fee	$ 300.00

A permit fee of Seventy-Five Dollars ($75.00) must accompany each completed temporary food service permit application. An additional Fifty Dollars ($50.00) will be assessed if application is submitted less than five (5) business days prior to the event. All nonprofit organizations shall be exempt from the temporary food service permit fee charge. Proper documentation of nonprofit status must be provided to the Health Department at the time of application.

Vendors having more than one booth at an event will be charged Seventy-Five Dollars ($75.00) for the first booth and Twenty-Five Dollars ($25.00) for each additional booth.

A permit fee of One Hundred Fifty Dollars ($150.00) must accompany each completed seasonal food service permit application. An additional Fifty Dollars ($50.00) will be assessed if application is submitted less than five (5) business days prior to the event. Proper documentation of nonprofit status must be provided to the Health Department at the time of application.

A permit fee waiver may be obtained if proof of charitable non-profit (tax-supported) status is submitted with application. There is a Twenty Dollar ($20.00) permit processing and inspection fee.

A plans review fee shall be charged for the review of plans and specifications of new construction or remodeled facilities.

POOL INSPECTION, WASTEHAULER AND PRETREATMENT FEES

POOL	Fee
1. Swimming Pool Inspection Fee	$ 200.00
2. Additional Pool	$ 100.00
3. Plans review fee	$ 300.00
WASTE HAULER AND TRAP FEES	
1. Waste Haulers	$ 300.00
2. Generator Inspection	$ 250.00
INDUSTRIAL WASTEWATER PRETREATMENT	
1. Industrial Pretreatment Annual Fee	$ 300.00
2. Industrial Pretreatment BMP Permit Fee	$ 50.00
INDUSTRIAL USER FEES	
1. Industrial User Fee Per Outfall (monthly)	$ 590.00

A plans review fee shall be charged for the review of plans and specifications of new construction or remodeled pool facilities.

LATE FEES

No permit shall be issued or renewed until such fee is paid. Late fees for permit renewals shall apply as follows:

FOOD ESTABLISHMENT PERMIT RENEWAL LATE FEES:	Fee
1-30 days after expiration date	10% of permit fee
31-60 days after expiration date	15% of permit fee
60 or more days after expiration date	30% of permit fee
POOL PERMIT RENEWAL LATE FEES:	
1-30 days after expiration date	10% of permit fee

31-60 days after expiration date	15% of permit fee
60 or more days after expiration date	30% of permit fee
LIQUID WASTE GENERATOR PERMIT RENEWAL LATE FEES:	
1-30 days after expiration date	$ 50.00

MISCELLANEOUS FEES

CERTIFICATE OF OCCUPANCY (C/O) AND TEMPORARY (T/C/O) FEES:	Fee
1. First C/O or T/C/O inspection	-0-
2. Second Inspection	$ 75.00
BODY ART PERMIT FEES:	
1. Body art permit	$ 200.00
TRAINING FEES:	
1. Food Manager Certification	$ 100.00
2. Food Handler Class	$ 25.00
3. Food Handler Card for Off-Site Course	$ 15.00
4. Food Manager Review Course	$ 25.00
5. Certified Pool Operator Course	$ 200.00

RE-INSPECTION FEES

For re-inspections required due to critical violation issues.

RE-INSPECTION FEES:	Fee
1. Swimming Pool Re-Inspection	$ 50.00
2. Food Establishment Re-Inspection	$ 50.00

ANIMAL SERVICES FEES

ANNUAL REGISTRATION FEES:	Fee
1. Dog, cat or ferret annual registration	$ 30.00
2. Sterilized dog, cat, or ferret registration, annual	$ 10.00
3. Dangerous animal registration, annual	$ 250.00
4. Lost registration tag fee	$ 5.00

Any owner who applies for an annual registration thirty-one (31) or more days after the expiration date of its previous registration shall be assessed a late fee of $10.00.

The annual registration fee for sterilized animals shall be reduced to $5.00 if the owner of the animal is sixty (60) years of age or older or provides proof of receiving financial assistance from any governmental agency due to the owner being considered disabled or low-income. This fee shall also be reduced for animals that are used by law enforcement agencies and for certified assistance animals.

PERMIT FEES:	Fee
1. Commercial Breeder Permit, annual	$ 75.00
2. Animal Establishment Permit, annual	$ 75.00
3. Animal Exhibition Permit, per seven (7) day period	$ 25.00
4. Pet Grooming Facility Permit, annual	$ 50.00
5. Multi-Pet Permit Application Fee, annual	$ 15.00
6. Wildlife Educational Center Permit, annual	$ 200.00
7. Wildlife Rehabilitator Permit, annual	-0-

Any Animal Exhibition application that is submitted less than fourteen (14) days, but more than seven (7) days, prior to the start of the exhibition shall be subject to an additional $10.00 expedited processing fee. Any Animal Exhibition application that is submitted less than seven (7) days prior to the start of the exhibition shall be subject to an additional $25.00 expedited processing fee.

Any Commercial Breeder, Animal Establishment, Pet Grooming Facility, or Wildlife Educational Center that does not receive a satisfactory annual inspection shall be charged a re-inspection fee for each subsequent inspection that is performed until a satisfactory rating is achieved. The cost for each inspection shall be $25.00 and all re-inspection fees must be paid prior to the issuance of any permit.

Any Commercial Breeder, Animal Establishment, Pet Grooming Facility or Wildlife Educational Center that applies for its annual permit 1-30 days after the expiration date of its previous permit shall pay a late fee of $25.00. Any Commercial Breeder, Animal Establishment, or Pet Grooming Facility that applies for its annual permit 31 or more days after the expiration date of its previous permit shall pay a late fee of $50.00.

IMPOUND AND BOARDING FEES:	Fee
1. First Impoundment	$ 75.00
First impound fee may be reduced by the following amounts if the animal, at the time of impound is:	
Sterilized	$ (40.00)
Currently vaccinated against rabies	$ (10.00)
Currently licensed with the city	$ (10.00)
Identified by traceable identification	$ (15.00)
2. Second Impoundment in any twelve (12) month period	$ 100.00
3. Third and all subsequent impoundments in any twelve (12) month period	Prior impound fee + $ 100.00
4. Boarding fee per animal, daily for all or part of any one day	$ 10.00

ADOPTION FEES:	Fee
1. Dog or cat	$ 80.00
2. Ferret	$ 50.00
3. Birds, small mammals, reptiles	$ 25.00

MISCELLANEOUS FEES:	Fee
1. Microchipping fee	$ 15.00
2. Rabies Vaccination fee	$ 10.00
3. First time registration of dog, cat or ferret twelve (12) month of age or less, sterilized or unsterilized	$ 10.00
4. Local Rabies Control Authority Incident fee (includes boarding and observation fees, or ship and test fees)	$ 100.00
5. Livestock capture and impoundment, per head	$ 100.00
6. Boarding fee, per head, per day	$ 15.00
7. Deceased dog, cat, or other small animal cremation fee	$ 20.00
8. Owner surrender fee for any dog, cat or other small animal	$ 25.00

The Health Director or his designee shall have the authority to refund, reduce, or waive animal services fees."

Section II. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section IV. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 27th day of January, 2014.

_____
Harry LaRosiliere, MAYOR

ATTEST:

_____
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

_____
Paige Mims, CITY ATTORNEY