



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		11/26/12		
Department:		Health		
Department Head		Brian Collins		
Agenda Coordinator (include phone #): Doris Callaway, Ext. 7494				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2010-7-8, entitled "Health Categories and Fees", and replacing it with this ordinance, to be entitled "Health Categories and Fees" to amend Animal Services and Health fees; providing a repealer clause, a severability clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	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): N/A				
COMMENTS: The impact of the ordinance changes are unknown at this time and will depend on the Farmers Market Event vendor participation.				
STRATEGIC PLAN GOAL: Updates to the Health Categories and Fees Ordinance relate to the City's Goal of Financially Strong City with Service Excellence and Safe Large City.				
SUMMARY OF ITEM				
This Ordinance will update the Animal Services and Health fee schedule to reflect new fees for specific services provided by the departments. These fees will generate revenue for the City and mitigate costs associated with performing services and administering programs.				
List of Supporting Documents: Animal Services and Health Fee Schedule Memo			Other Departments, Boards, Commissions or Agencies	



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MEMORANDUM

Health Department

DATE: September 24, 2012

TO: Brian Collins, Director of Health

FROM: Jamey Cantrell, Animal Services Manager
Geoffrey Heinicke, Health Manager

SUBJECT: Revisions to Health Department Fees

As part of the on-going budget process, departmental staff identified several areas where program fees should be adjusted or implemented to capture cost of providing services to the community. A summary of proposed changes to the Animal Services and Health ordinance follows.

Animal Services

A local veterinarian recommended that the ordinance be changed to allow first time registration fees for any dog, cat, or ferret less than twelve months of age be at the reduced sterilized rate even if the animal has not yet been sterilized. Previously, veterinarians were recommending that owners wait until their pet was sterilized to avoid the increased registration fee for intact animals. If the owner fails to return for sterilization, the animal often times would never be registered. This change will enable animals to be registered as soon as a rabies vaccination is given to prevent the owner from failing to register at a later date. This change will not result in any additional revenue.

In 2010, a late fee of \$10.00 was implemented to encourage pet owners to be timely in the registering of their pets and to help with the additional costs of trying to collect on past due charges. The wording is being changed to more clearly indicate the exact time the registration is considered overdue. This change will not result in any additional revenue.

Health

A \$50.00 re-inspection fee will be assessed for food establishments that require a re-inspection due to deficiencies identified during a routine inspection. This new fee will cover the cost of inspectors performing multiple follow-up inspections to ensure compliance of critical violations. Subsequent re-inspections will be assessed a \$50.00 fee until correction is achieved. The new fee for re-inspection is estimated to generate \$1,000 in additional revenue.

The farmers' market permit fee category will be assessed based on the number of vendors at a farmers' market. The proposed fee structure is comparable to existing food establishment categories and is designed to cover expenses incurred with providing inspection services and additional administrative costs.

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2010-7-8, entitled “Health Categories and Fees”, and replacing it with this ordinance, to be entitled “Health Categories and Fees” to amend Animal Services and Health fees; providing a repealer clause, a severability clause, and an effective date.

WHEREAS, on July 26, 2010, the City Council of the City of Plano duly passed Ordinance No. 2010-7-8 which adopted permit and inspection fees for health department services; and

WHEREAS, staff recommends that the Animal Services and Health fee schedule be amended to include new 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 No. 2010-7-8 providing permit and service fees for certain health department services is hereby repealed and replaced with the following text:

“Definitions.

Farmers’ Market means an area at which two or more farmers’ market vendors offer produce for retail sale.

Farmers’ Market Vendor means any person who operates, offers or sells produce originating from the vendor’s property 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

RETAIL FOOD 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
10. Farmers' Market	
A. 1-30 Vendors	\$ 200.00
B. 31-60 Vendors	\$ 400.00
C. 61+ Vendors	\$ 600.00

POOL INSPECTION, WASTEHAULER AND PRETREATMENT FEES

POOL	Fee
1. Swimming Pool Inspection Fee	\$ 200.00
2. Additional Pool	\$ 100.00
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

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

Late Fees:

Food and Pool Permits-Renewals:

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 Renewals:

1-30 days after expiration	\$ 50.00
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Certificate of Occupancy (C/O) and Temporary C/O (T/C/O) Fees:

First C/O or T/C/O inspection	-0-
Second inspection	\$ 75.00

Body Art Permit Fee	\$ 200.00
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Re-inspection Fees:

Swimming Pool Re-inspection	\$ 50.00
Food Establishment Re-inspection	\$ 50.00

For food establishment re-inspections required due to non-compliance issues.

Training Fees:

Food Manager Certification	\$ 100.00
Food Handler Class	\$ 25.00
Food Handler Card for Off-site Course	\$ 15.00
Food Manager Review Course	\$ 25.00
Certified Pool Operator Course	\$ 200.00

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 of Three Hundred Dollars (\$300.00) shall be charged for the review of plans and specifications of new construction or remodeled facilities.

ANIMAL SERVICES FEES

Annual Registration Fees:

Dog, cat or ferret annual registration	\$ 30.00
Sterilized dog, cat, or ferret registration, annual	\$ 10.00
Dangerous animal registration, annual	\$ 250.00
Lost registration tag fee	\$ 5.00

Permit Fees:

Commercial Breeder Permit, annual	\$ 75.00
Animal Establishment Permit, annual	\$ 75.00
Animal Exhibition Permit, per seven (7) day period	\$ 25.00
Pet Grooming Facility permit, annual	\$ 50.00
Multi-Pet Permit Application Fee, annual	\$ 15.00
Wildlife Educational Center permit, annual	\$ 200.00
Wildlife Rehabilitator permit, annual	No charge

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:

First Impoundment	\$ 75.00
The 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
Second Impoundment in any twelve (12) month period	\$ 100.00

Third and all subsequent impoundments in any twelve (12) month period:
Previous full impound fee plus \$ 100.00

Boarding fee per animal, daily for all or part of any one day \$ 10.00

Adoption Fees:

Dog or cat \$ 80.00
Ferret \$ 50.00
Birds, small mammals, reptiles: \$ 25.00

Miscellaneous Fees:

Microchipping fee \$ 15.00
Rabies vaccination fee \$ 10.00
First time registration of any dog, cat, or ferret twelve (12) months
of age or less, sterilized or unsterilized \$ 10.00
Local Rabies Control Authority Incident Fee
(includes all boarding and observation fees, or ship and test fees) \$ 100.00
Livestock capture and impoundment, per head \$ 100.00
Boarding fee, per head per day \$ 15.00
Deceased dog, cat, or other small animal cremation fee \$ 20.00
Owner surrender fee for any dog, cat, or other small animal \$ 25.00

No permit or license shall be issued or renewed until such fee is paid.

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

Effective January 1, 2011, any owner that 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.”

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 26th day of November, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY