

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2021-\_\_\_\_\_**

AN ORDINANCE AMENDING APPENDIX A: ARTICLE A1.000 (GENERAL PROVISIONS) OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE DRIPPING SPRINGS FEE SCHEDULE SECTION 11: FOOD ESTABLISHMENTS, SECTION 12 ON SITE SEWAGE FACILITIES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; PUBLICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to provide for reasonable fees, including for food establishments and on site sewage facilities (“fees”), to recoup the cost of reviewing, permitting, and inspecting food establishments and on site sewage facilities on the public’s behalf; and

**WHEREAS,** the City Council finds that the attached schedule of fees is reasonable and prudent considering the municipal resources expended in the furtherment of residential, commercial, and multi-family development through inspection and permitting procedures implemented by City staff, including the City Environmental Health Inspector and Code Enforcement; and

**WHEREAS,** the fees approved and instituted by this ordinance are consistent with, and in accordance with, the annual budget for the City; and.

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

**NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Appendix A, Article A1.000 of the City of Dripping Springs Code of Ordinances, Sections 11 and 12 are amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated

within Attachment “A”.

### **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

### **7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_ 2021, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

**Attachment A**

**SECTION 11. FOOD ESTABLISHMENTS**

**11.1 Food Establishment Permit Fees**

	<b>Number of Employees</b>	<b>Fee*</b>
11.1.1	1 – 15 Employees	<del>\$350.00</del> <u>\$235.00</u>
11.1.2	16 – 30 Employees	<del>\$350.00</del> <u>\$335.00</u>
11.1.3	31 or more Employees	\$435.00

**\*If application filed after June 1<sup>st</sup> only one-half of the application fee is due.**

**11.2 Food Establishment Compliance Inspection Fee: \$200.00**

**11.3 Food Establishment Compliance Reinspection Fee:** Each additional inspection increases by \$25.00 and is cumulative (ex: 1<sup>st</sup> inspection, \$200.00; 2<sup>nd</sup> inspection, \$225.00; 3<sup>rd</sup> inspection, \$250.00, etc.)

**11.4 Child/Adult Care, Church and School Establishment Inspection Fees**

	<b>Licensed Number of Children</b>	<b>Fee Without Food Preparation</b>	<b>Fee with Food Preparation*</b>
11.4.1	13 – 40 Children	\$200.00	\$400.00
11.4.2	41 – 100 Children	\$300.00	\$500.00
11.4.3	101 or more Children	\$350.00	\$550.00

**\*Food Establishment Permit Fee is not required in addition to Child/Adult Care, Church and School Establishment Inspection Fee.**

**11.5 Child/Adult Care Sanitation Inspection Fee:** Includes facilities with fewer than thirteen (13) children/adults, custodial care homes/facilities, and foster/adoptive homes, \$200.00

**11.6 Mobile Food Unit Fees**

11.6.1 ~~Each 1<sup>st</sup>-Unit: \$200.00~~ 175.00

~~11.6.2 Each additional Unit: \$150.00~~

**11.7 Seasonal Permit Fee (valid for six months):** ~~\$200.00~~ 150.00

**11.8 Change of Name/Ownership Fee:** \$100.00

**11.9 Establishment Plan Review Fees**

11.9.1 Actual plan review and two pre-opening inspections: \$400.00

11.9.2 Each additional pre-opening inspection: \$200.00

**11.10 Permit Reinstatement Fee after Suspensions:** \$200.00

~~11.11 Food Handler Class Fee for One Year Card: \$25.00 (classes available in Spanish)~~

~~11.12~~**11.11 Temporary Food Establishments:** \$30.00/unit per day

~~11.13~~**11.12 Establishment Permit and Inspection Late Fee:** \$50.00 for all establishment permit and inspection fees paid 30 days or more past the due date (\$50.00 late fee to be assessed every 30 days past the due date).

## SECTION 12. ON SITE SEWAGE FACILITIES

**12.1 Permit Application Fee (includes three inspections)**

12.1.1 Single Family Standard System Permit Fee: ~~\$575.00~~ 450.00

12.1.2 Single Family Engineered System Permit Fee: ~~\$625.00~~ 500.00

12.1.3 Commercial Engineered System Permit Fee: \$800.00

12.1.4 Texas Commission on Environmental Quality On-Site Wastewater Treatment Research Council Fee: \$10.00/permit

**12.2 Re-Inspection Fee:** \$200.00/inspection

**12.3 On-Site Sewage Facility Certification Fee:** \$200.00

**12.4 Waiver/Variance Request Fee:** \$500.00

**12.5 Amendment/Engineer Adjustment to On-Site Sewage Facility Permit**

12.5.1 Single Family Residential Permit: \$250.00

12.5.2 Commercial Permit: \$450.00

**12.6 Pre-Application Conference Fee:** \$180.00

~~12.7 On-Site Sewage Facility Installer Registration Fee: \$50.00/annually~~

~~12.8~~**12.7 On-Site Sewage Facility Maintenance Provider Registration Fee:**  
\$50.00/annually