

ORDINANCE NO. 2009-052

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE III (ADMINISTRATION), SECTION 35.01 (FEE SCHEDULE) OF THE CODE OF ORDINANCES TO ADD SUBSECTIONS G. AND H., TO PROVIDE FOR FEES RELATED TO FOOD ESTABLISHMENT INSPECTIONS AND ON-SITE SEWAGE FACILITIES, RESPECTIVELY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens; and,

WHEREAS, the Council has adopted regulations related to food establishments and on-site sewage facilities; and,

WHEREAS, the fees proposed herein are in amounts to cover the City's actual cost to regulate and inspect such establishments and facilities; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public meetings conducted by the City Council, agendas for each meeting were posted at City Hall more than seventy-two (72) hours prior to the respective meeting.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all

Section 2. Amendment.

THAT the City of Wimberley Code of Ordinances, Title III (Administration), Section 35.01 (Fee Schedule), is hereby amended to add Subsections G. and H., entitled "Food Establishment Fees" and "On-Site Sewage Facilities Fees", respectively, to read as described in the attached Exhibit "A", incorporated by reference for all purposes.

Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, 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 decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

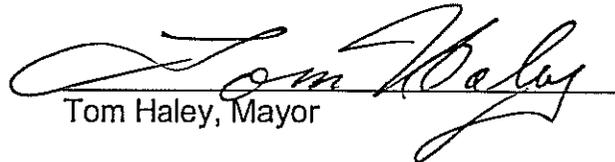
Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

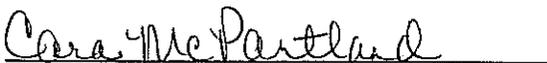
PASSED AND APPROVED First Reading this 3rd day of Dec., 2009, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this 17th day of Dec., 2009, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

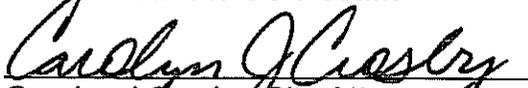
CITY OF WIMBERLEY, TEXAS


Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

APPROVED AS TO FORM:


Carolyn J. Crosby, City Attorney

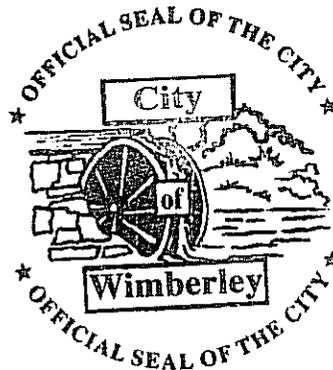


EXHIBIT "A"

§ 35.01 (G) FOOD ESTABLISHMENT FEES

1. Annual Food Establishment Permit Fees (Included 2 Inspections)

Number of Employees	Fee
1-15	\$150
16-30	\$250
31+	\$350

2. Food Establishment Compliance Inspection Fee (Inspection triggered by complaint) \$75

3. Food Establishment Compliance Re-inspection Fee \$100
(Fee increases by \$25 per re-inspection and is cumulative)

4. Child/Adult Care, Church and School Establishment Inspection Fees

Licensed # of Children	Fee Without Food Preparation	Fee With Food Preparation
13-40	\$75	\$150
41-100	\$150	\$250
101+	\$250	\$350

5. Child/Adult Care Sanitation Inspection Fee \$75
(Includes facilities with fewer than 13 children/adults custodial care homes/facilities and foster/adoptive homes)

6. Mobile Food Unit Fees

1 st Unit	\$75
Each Additional Unit	\$50

7. Season Permit Fee (Valid for 6 months) \$75

8. Change of Name/Ownership Fee \$75

9. Establishment Plan Review Fees

Actual Plan Review and Two (2) Pre-Opening Inspections	\$350
Each additional pre-opening inspection	\$125

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|-----|---|--------------------------|
| 10. | Temporary Food Establishment Permit | \$25 per unit
per day |
| 11. | Establishment Permit and Inspection Late Fee
(Fee for all establishment permit and inspection fees
paid 30 days or more past the due date; \$20 late fee
to be assessed every 30 days past the due date) | \$20 |

§ 35.01 (H) ON-SITE SEWAGE FACILITIES FEES

Permit Application Fee (Includes Three Inspections)

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|----|--|-----------------|
| 1. | Single Family Standard System Permit Fee | \$400 |
| 2. | Single Family Engineered System Permit Fee | \$450 |
| 3. | Commercial Engineering System Permit Fee | \$750 |
| 4. | TCEQ On-Site Wastewater Treatment Research Council Fee | \$10 per permit |

Re-inspection Fee \$125 per inspection

On-Site Sewage Facility Certification Fee \$125

Waiver/Variance Request Fee \$500

Amendment/Engineer Adjustment to On-Site Sewage Facility Permit

- | | | |
|----|----------------------------------|-------|
| 1. | Single Family Residential Permit | \$200 |
| 2. | Commercial Permit | \$400 |

Pre-Application Conference Fee \$50 per hour with a one hour minimum