

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 010-036**

**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, BEING SECTION 18-514 (FEE FOR LICENSE TO OWN AND OPERATE APARTMENT COMPLEX), SECTION 18-723 (FEE FOR PERMIT TO OPERATE A PUBLIC POOL OR SEMIPUBLIC POOL OR SPA), AND SECTION 46-32(B) (FEE FOR PERMIT TO OPERATE A FOOD ESTABLISHMENT); PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the “City”) 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 the amendments set forth herein are for and in the best interests 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. Incorporation of Recitals. 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. Amendment. The Code of Ordinances of the Town of Addison, Texas (the “City”) is hereby amended by amending certain sections and provisions of Chapter 18 (Building and Building Regulations) and Chapter 46 (Health and Sanitation) thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby.

Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in

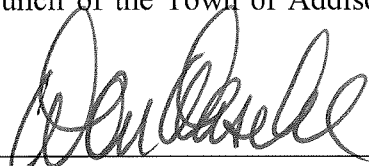
those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

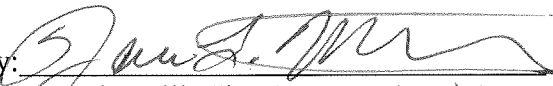
**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 21<sup>st</sup> day of September, 2010.

  
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Don R. Daseke, Mayor Pro Tempore

ATTEST:

By:   
\_\_\_\_\_  
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
John Hill, City Attorney Assistant  
Jason Mathis, A.C.A.

**OFFICE OF THE CITY SECRETARY**

**EXHIBIT A  
TO ORDINANCE NO. 010-036**

A. Chapter 18, Building and Building Regulations, of the Code of Ordinances (the “Code”) of the Town of Addison, Texas is hereby amended by amending Sections 18-514 and 18-723 of the said Code as set forth below and as follows (additions are underlined; deletions are ~~struck through~~):

1. Section 18-514 of the Code is amended to read as follows:

**Sec. 18-514. Fee - Amount Generally.**

The annual fee for an apartment complex license shall be \$2,251.50 for each dwelling unit located therein with a minimum fee per apartment complex of \$75.00. The fee for a license issued during the year will be prorated on the basis of whole months.

2. Section 18-723 of the Code is amended to read as follows:

**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 \$120.00~~80.00~~ for the first pool owned by the applicant at one location, plus \$60.00~~40.00~~ for each additional pool or spa owned by the applicant at the same location. 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.

B. Chapter 46, Health and Sanitation, of the Code of Ordinances of the Town of Addison, Texas is hereby amended by amending subsection (b) of Section 46-32 of the said Code as set as follows (additions are underlined; deletions are ~~struck through~~):

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

(1) It shall be unlawful for any person to operate a food establishment within the limits of the Town of Addison without having been issued a valid food service permit. Only a person who complies with the requirements in this article shall be entitled to receive or retain a permit, and notwithstanding the fact that all inspections necessary for obtaining a food service permit have been completed, such permit shall not be issued until after the building in which the establishment is to be located has been issued a certificate of occupancy by the Town of Addison. Permits are not transferable from one person to another person or place. A valid permit shall be posted in or on a conspicuous place of every food

establishment regulated by this article. Permits shall remain in effect for twelve (12) months from the date of issuance unless sooner revoked for cause. If the permit is granted to a temporary food establishment, the permit shall be in effect for a period of time not exceeding four consecutive days in conjunction with a single event or celebration. All permits are to be displayed in public view.

(2) Any person desiring to operate a food establishment shall make written application for a permit on a form provided by the Town of Addison, Environmental Services Department. The application shall include: The applicants full name and post office box address or street address and whether such applicant is an individual, firm or corporation and, if a partnership, the names of the partners, together with their addresses, the location and type of the proposed establishment and the signature of the applicant. An application for a temporary food establishment shall include the inclusive dates of the proposed operation.

(3) A food establishment operated solely by a nonprofit organization is not exempt from the permit requirements of this article, or from compliance with the rules on food service sanitation.

(4) The application shall be accompanied by a nonrefundable permit fee in the following amounts:

Establishments where only pre-packaged foods are sold	<del>\$90.00</del> 60.00
Temporary food service establishments:	
For Profit	<del>\$75.00</del> 50.00
Nonprofit	\$10.00
<u>Mobile</u>	<u>\$75.00</u>
All other food service establishments (based on number of employees):	
1--10 employees	<del>\$115.00</del> 75.00
11--30 employees	<del>\$190.00</del> 125.00
30+ employees	<del>\$450.00</del> 300.00