

ORDINANCE NO. 2023 - ____

AN ORDINANCE AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 62-HEALTH AND SANITATION BY ADOPTING NEW FEES FOR NEIGHBORHOOD SERVICES – HEALTH AND SANITATION RELATED SERVICES AND MOVING ALL FEES TO APPENDIX D, FEE SCHEDULE; AND MINOR EDITING; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 62 of the Code of Ordinances of the City of New Braunfels, Texas, provides fees, charges and rates for health and sanitation related services provided by the City of New Braunfels; and

WHEREAS, the fees for health and sanitation related services have not been adjusted since 2013; and

WHEREAS, the City Council of New Braunfels, Texas was briefed on fees for cost of health and sanitation related services at a meeting on July 6, 2023; and

WHEREAS, the current fees for health and sanitation related services are not reflective of the current market of benchmark cities and need to be adjusted in order to cover the City's costs and ensure consistency across all fees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1: That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 62 "Health and Sanitation", and Appendix D of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows with strikethrough font indicating deleted language, and additions reflected as underlined language:

Chapter 62 – HEALTH AND SANITATION

ARTICLE III.– FOOD

Division 1. GENERALLY

Sec. 62-81 Definitions

Central Preparation Facility means the location where a mobile food vending unit originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. This is an approved and permitted facility or space where food is prepared, stored, and packaged.

Grocery means any business that stores and sells perishable products that includes but is not limited to self-service bulk food areas, dairy, frozen and other refrigerated sections. These products are not handled, opened or processed in any way by the business.

Division 3. RESTAURANTS

Sec. 62-118. Permits—Required; posting; fees.

- (a) *Required for restaurants and itinerant restaurants.* It shall be unlawful for any person to operate a restaurant or an itinerant restaurant in the city who does not possess a valid, current permit from the local health authority. Only persons who comply with the requirements of this article shall be entitled to receive and retain such a permit.
- (b) *Posting.* The permit required by this section shall be posted in a conspicuous place in the restaurant.
- (c) *Fee.* The following nonrefundable fees shall be paid for permits under this section:
- (1) Food establishments, and restaurants, as defined in this chapter, except sandwich stands, taverns, licensed foster care, state licensed adult or child care facility kitchens, temporary food vending operations and mobile food court units, shall be assessed a fee based on employees as reflected ~~below:~~ [in Appendix D of the New Braunfels Code of Ordinances.](#)

No. of Employees	—Fee—
1—3	\$156.25
4—6	312.50
7—10	468.75
11—20	625.00
21 and above	781.25

If at any time during the period of validity of any permit issued under this chapter, additional persons are employed by the establishment operating under such permit, it shall be the duty of the person in charge of such establishment to immediately notify the department of such increase and if such increase brings that establishment into a higher permit fee bracket, such person shall pay to the department the additional sum required. This charge shall be prorated according to the month in which the change occurred as set forth in the charges for permit fees referenced above.

- (2) Itinerant restaurants, ~~\$75.00~~ [per Appendix D of the New Braunfels Code of Ordinances](#) for any period during a ten-day span, for each location or booth.
- (3) Nonprofit organization restaurant, ~~\$18.00~~ [per Appendix D of the New Braunfels Code of Ordinances](#) annually.
- (4) Nonprofit organization itinerant restaurant, cake sale or food sale permit, ~~\$25.00~~ [per Appendix D of the New Braunfels Code of Ordinances](#) for any period during a ten-day span, for each location, but assessed only if a structure tent or booth is proposed.
- (5) Taverns, [grocery stores](#), [central preparation facilities](#), [mobile food units](#), sandwich stands, and state licensed adult or childcare facility kitchens shall be assessed an annual fee ~~of \$100.00~~ [per Appendix D of the New Braunfels Code of Ordinances](#). Additionally, a ~~\$50.00~~ fee [per Appendix D of the New Braunfels Code of Ordinances](#) shall be assessed for each initial and subsequent re-inspection of all residential adoption and foster care placement environmental assessment reviews. Temporary food vendor operations, as described in section 144-5.23, shall be assessed a fee ~~of \$50.00~~ [per Appendix D of the New Braunfels Code of Ordinances](#) for each ~~90-day~~ [11 month](#) period. Mobile food courts ~~units~~, as described in section 144-5.26, shall be assessed an annual fee ~~of \$150.00~~ [per Appendix](#)

D of the New Braunfels Code of Ordinances for each individual permitted location, for any period of time during a calendar year at that permitted location.

- (6) An environmental health construction plan review fee equaling one-half of the full year annual food establishment permit to operate fee shall be assessed to all constructed, extensively remodeled or converted structures to be used as a food service establishment.
- (7) Expired health permit late fee. Health permit applications submitted after January 1 of each calendar year shall be assessed a late fee ~~of \$65.00~~ per Appendix D of the New Braunfels Code of Ordinances.

(d) *Proration of fees.* All restaurant permits shall be issued as of January 1 and shall expire on December 31 of the year; provided, however, that if any permit is issued at any time during the year to a new establishment, the initial fee shall be prorated per Appendix D of the New Braunfels Code of Ordinances and the applicant for the permit shall only be responsible for the amount due for the unexpired portion of such year. Subsequent permits for existing establishments under the same ownership shall require the full annual permit fee.

Sec. 62-121. Regular inspection; reinspection of violators; suspension of permit; posting of reports; records.

- (a) *Regular inspection.* At least once every three months, the local health authority shall inspect every restaurant located within the corporate limits of the city.
- (b) *Reinspection of violators.* If the local health authority discovers the violation of any sanitary requirement they shall make a second inspection after the lapse of such time as they deems necessary for the defect to be remedied. A reinspection fee ~~of \$65.00~~ per Appendix D of the New Braunfels Code of Ordinances shall be paid to the city for the reinspection of any food service related establishment that requires reinspection due to a failure rating.

Division 5. – FROZEN DESERTS

Sec. 62-143. Same—Fees.

For the enforcement and operation of this division, an annual permit fee ~~of \$200.00~~ per Appendix D of the New Braunfels Code of Ordinances will be charged for each retail frozen dessert manufacturer. A fee ~~of \$50.00~~ per Appendix D of the New Braunfels Code of Ordinances will be charged for a temporary retail frozen dessert manufacturer permit. The temporary permit shall not exceed 14 days.

Sec. 62-146. Laboratory testing of products; sampling; notice of substandard conditions; reinstatement of permit.

- (c) *Reinstatement of permit.* Any retail frozen dessert manufacturer whose permit has been suspended may make application at any time for the reinstatement of ~~his~~their permit. The application shall indicate the probable causes for the excessive counts and action taken for correction. Upon receipt of such application and a reinstatement fee ~~of \$25.00,~~per Appendix D of the New Braunfels Code of Ordinances, the local health authority shall issue a temporary permit and shall collect at least two samples during the temporary period. If the samples meet the standards of this section, then the annual permit shall be reinstated.

APPENDIX D FEE SCHEDULE

Sec. A. Schedule of development fees.

APPLICATION	FEE
BUILDING PERMITTING, PLAN REVIEW, INSPECTIONS	
Permit application fee (all new construction, additions and substantial alterations)	Residential: \$50.00 Commercial: \$100.00
Residential plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Residential: 25% of permit cost not to exceed \$2,500.00
Commercial plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Commercial: 25% of permit cost not to exceed \$15,000.00 (Shall be paid prior to 2nd round of comprehensive commercial plan review)
Building permit fee	See Section B
Inspection fees	Residential—\$35.00 Commercial—\$50.00 Re-inspections—\$35.00 (double for each re-inspection)
Airport hazard inside city limits—One- and two-family dwelling	\$100.00
Airport hazard inside city limits—Anything other than one- and two-family dwelling	\$250.00
Airport hazard in ETJ—One- and two-family dwelling	\$100.00
Airport hazard in ETJ anything other than one- and two-family dwelling	\$250.00
New occupant permit (previously referred to as "existing certificate of occupancy")	\$150.00
Building moving fee	\$100.00
Building demolition fee (up to 100,000 cubic feet- <u>residential</u>)	\$5 <u>100.00</u>
Building demolition fee (over 100,000 cubic feet- <u>commercial</u>)	\$50.00 plus \$0.50/1,000 cubic feet over 100,000- <u>\$100.00 per story-</u>
Temporary C of O	See Section B
Temporary C of O extension	See Section B
Electrical, plumbing, mechanical, fuel gas	See Section B
Contractor registration	See Chapter 14
Alternate method request (building-related codes)	\$150.00
Stop-work order—Issued	\$100.00
Stop-work order—Lift	\$100.00
Work without permit—Residential (includes all permit types)	Double permit fee per lot—\$500.00 maximum per lot
Work without permit—Commercial (includes all permit types, as well as site preparation and public infrastructure permits for all types of development and uses including commercial and residential subdivision development)	Double permit fee—\$10,000.00 maximum

PLATTING RELATED	
Right-of-way abandonment and closures	\$500.00
Legal lot/ Plat exemption determination	\$150.00
Plat appeal (rough proportionality claims)	\$100.00
Plat extension	\$200.00
Plat revision	\$200.00
Vacation of previously recorded plat	\$200.00
Plat/ Master Plan waiver/subdivision variance - Administrative	\$150.00
Plat/Master Plan waiver/subdivision variance – Planning Commission	\$300.00
Master plan	\$1,000.00 plus \$50.00/acre ((\$2,500.00 max))
Minor revision to approved master plan (administrative)	50% of original application fee
Preliminary plat	\$1,000.00 plus \$50.00/acre ((\$2,500.00 max))
Final plat/minor plat/development plat	\$1,250.00 plus \$100.00/acre, plus \$50.00/single-family residential lot, plus \$500.00 if the plat includes public infrastructure (\$2,500.00 max)
Replat, not administrative	\$1,000.00 plus \$50.00/acre ((\$3,000.00 max)), plus \$52.00 if mail notification is required
Amending plat/amendment to plat— Administrative	\$500.00 plus \$100.00/acre ((\$1,000.00 max))
Right-of-way determination	\$500.00
Mail notification (per mailed notice)-	\$2.15-
Newspaper notification (per published notice)	\$115.00

ZONING	
Future Land Use Plan amendment	\$500.00
Historic landmark designation	\$0.00
Certificate of alteration	\$0.00
Zoning change	\$1,000.00 plus \$100.00/acre (max. \$3,000.00), plus \$52.00 for mail notification
Special use permit	\$1,500.00 plus \$100.00/acre (max. \$4,000.00), plus \$52.00 for mail notification
Planned development	\$2,000.00 plus \$100.00/acre (max. \$5,000.00), plus \$52.00 for mail notification
PD Administrative revision	\$200.00
Rezoning case signs	\$15.00 each
Mail notification (per mailed notice)-	\$2.15-
Newspaper notification (per published notice)	\$115.00
Registration of a nonconforming use	\$200.00
Zoning verification—Basic-	\$25.00-
Zoning verification— Detailed letter	\$100.00
Home Occupation Certification	\$25.00
Cemetery application	\$500.00
ZBA AND AMBA	
Variance application	Homestead: \$350.00 (plus \$50.00 for each additional variance request), plus \$52.00 for mail notification Non-homestead: \$700.00 (plus \$50.00 for each additional variance request), plus \$52.00 for mail notification
Special exception	\$700.00, plus \$52.00 for mail notification
Appeal of an administrative determination	\$700.00, plus \$52.00 for mail notification
ZBA case signs	\$15.00 each
Mail notification (per mailed notice)-	\$2.15-
HEALTH AND FOOD SAFETY	
The fees in this section below are based on the number of employees.	

Type 1 (1-6 Employees)	\$300
Type 2 (7-10 Employees)	\$470
Type 3 (11-20 Employees)	\$650
Type 4 (21 and more Employees)	\$790
Non Profit (regardless of employee count)	\$18
The fees in this section below are not based on the number of employees.	
Tavern	\$100
Grocery	\$250
Meat Processor	\$100
State Licensed Adult or Child Care Facility	\$100
Plan Review Fee (onetime fee) for all above permit types.	One-half of the full year annual food establishment permit to operate fee.
Other Fee Types	
Central Preparation Facility	\$110
Mobile Food Unit	\$250
Mobile Food Court	\$150
Adoption or Foster Inspection	\$50
Farmers Market	\$100
Frozen Dessert Manufacturer	\$200
Temporary Retail Frozen Dessert Manufacturer Permit	\$50
Frozen Dessert Permit Reinstatement	\$100
Reinspection Fee (due to failure of inspection)	\$150
Food Establishment Applications Submitted After January 1 (Late Fee)	\$65 per permit type
Itinerant restaurant /Temporary Food Establishment	\$75
Itinerant restaurant /Temporary Food Establishment (nonprofit)	\$25
Temporary/11 month Vendor	\$50
Food Handler Card	\$15
MISCELLANEOUS	
Appeal of building design standard	\$500.00
Appeal to construction board of appeals	Residential (per lot): \$200.00 Commercial: \$300.00
Miscellaneous appeals to city council	\$500.00
Main Street sidewalk permits	\$10.00 for new, \$5.00 for renewal
Residential buffer wall exemption	\$100.00
Short-term rental permit	\$200.00
Street name change	\$550.00
Tree removal permit (commercial and multi-family only)	\$100.00
Fee in-lieu of replacing a protected tree	\$175.00/caliper inch
Fee in-lieu of replacing a heritage tree	\$300.00/caliper inch
Valet parking permit	\$150.00
Vendor (temporary) permits	\$75.00
Special events Tier 1	\$100.00 (non-profits 50% of fee) due at application
Special events Tier 2	\$250.00 (non-profits 50% of fee) due at application
Setback determination	\$100.00
Offsite parking agreement	\$200.00
Regional thoroughfare plan amendment	\$900.00
Comprehensive plan amendment	\$900.00
Code text amendment request	\$900.00
Temporary Mobile Storage Units	\$25.00
Mobile food court permit	\$300.00
License agreement	\$250.00
Vested rights determination – individual single-family, duplex, tri-plex or four-plex lot	\$200.00

Vested rights determination – residential or commercial development	\$500.00
Annexation (voluntary)	\$1,000.00
Development agreement application fee	\$500.00
Development agreement processing	\$5,000.00
Development agreement amendment review	\$2,500.00
Downtown sidewalk cafe application fee	\$100.00
Downtown sidewalk cafe annual license fee	Less than 250 square feet: \$250.00 250 to 500 square feet: \$500.00 Greater than 500 square feet: \$750.00
Municipal Utility District (MUD) Petition Filing Fee Reimbursement Agreement	\$18,055.12 + the County recordation fee A reimbursement agreement shall be included within the development agreement in the event actual costs exceed the filing fee amount

INFORMATION TECHNOLOGY	
Technology fee	3% on all review, building, zoning and development related fees

SECTION 3: **Savings Clause.**

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 4: **Effective Date.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing by the City Secretary, except that the effective date of the new fees will be April 1, 2024.

PASSED AND APPROVED: First reading this _____ day of December, 2023.

PASSED AND APPROVED: Second reading this ____ day of January, 2024.

CITY OF NEW BRAUNFELS, TEXAS

By: _____

Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney