

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

This Interlocal Agreement is between **TARRANT COUNTY (“COUNTY”)**, and the **CITY of Dalworthington Gardens (“CITY”)**.

WHEREAS, **CITY** is requesting the **COUNTY’s** assistance in providing

- Food establishment inspection program services
- Public swimming pool and spa inspection program services
- Both Food establishment and Public swimming pool and spa inspection program services

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the Parties to enter into this Agreement.

WHEREAS the Commissioners Court of the COUNTY finds this Agreement serves a public purpose.

NOW, THEREFORE, the **COUNTY** and **CITY** agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

The **COUNTY** shall provide

Food establishment inspection program services:

- Provide services, through Tarrant County Public Health, to all public food establishment located within the corporate limits of the **CITY**;
- Plan review and conduct Health opening approval inspection, routine inspection, follow-up inspections, complaint investigations;
- Certification of establishment for issuance of health permits;
- Notification to the **CITY** of violations of the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments;
- Provide appropriate signs to be posted at public food establishment that do not meet required standards;
- Documentation of program activities within the **CITY** via periodic reports;

- Collection of fees from the inspected establishment;
- Inform **CITY**, in writing, of any fee schedule changes immediately following Tarrant County commissioner's court approval;
- Be present, as needed, for testimony in any such enforcement taken by the **CITY** in accordance with procedures established by the **CITY** for the appearance of law enforcement officials;
- And, where legally required, verify food establishment manager training and food handler training and certification.

For Public swimming pool and spa inspection program services:

- Provide services, through Tarrant County Public Health, to all public and semi-public swimming pools, spas, and interactive water features located within the corporate limits of the **CITY**;
- Plan review and conduct Health opening approval inspection, routine inspection, follow-up inspections, complaint investigations;
- Certification of establishment for issuance of health permits;
- Notification to the **CITY** of violations of current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission for Standards for Public Pools and Spas (Texas Administrative Code, Title 25, Chapter 265, Subchapter L), Public Interactive Water Features and Fountains (Texas Administrative Code, Title 25, Chapter 265, Subchapter M) and Pool Yard Enclosures (Texas Health and Safety Code Chapter 757);
- Provide appropriate signs to be posted at public swimming pool and spa establishment that do not meet required standards;
- Documentation of program activities within the **CITY** via periodic reports;
- Collection of fees from the inspected establishment;
- Inform **CITY**, in writing, of any fee schedule changes immediately following Tarrant County commissioner's court approval;
- Be present, as needed, for testimony in any such enforcement taken by the **CITY** in accordance with procedures established by the **CITY** for the appearance of law enforcement officials;
- And, where legally required, verify pool operator training certification.

2. CITY RESPONSIBILITY

For Food establishment inspection program services

- Adopt the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments;
- Designate the Medical Director of Tarrant County Public Health

- Department as Health Authority for the purposes of this agreement;
- Require all food establishments within the corporate limits of the CITY to maintain a valid health permit;
- Consider the Health Permit fees as enforceable within thirty (30) days of approval of the Tarrant County Commissioner's court;
- Revise **CITY** code/ordinance, where applicable, to adopt changes to the fees;
- Inform Tarrant County Public Health Manager for Environmental Health when code/ordinance are modified and when updates are complete;
- Assign Tarrant County Public Health authority to collect health permit fees from permit applicants;
- And, where legally required, require facilities to have certified food managers and food handlers.

For Public swimming pool and spa inspection program services

- Adopt the current Texas Health and Safety Code, Title 5, Subtitle A, Chapter(s) 341.064, 341.0645 and 341.0695; Texas Health and Safety Code, Title 1, Chapter 1 Section 1.005, and Texas Health and Safety Code, Title 9, Subtitle A, Chapter 757;
- Adopt the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission for Standards for Public Pools and Spas (Texas Administrative Code, Title 25, Chapter 265, Subchapter L), Public Interactive Water Features and Fountains (Texas Administrative Code, Title 25, Chapter 265, Subchapter M) and Pool Yard Enclosures (Texas Health and Safety Code Chapter 757);
- Designate the Medical Director of Tarrant County Public Health as Health Authority for the purposes of this agreement;
- Require all public and semi-public swimming pools/spas within the corporate limits of the **CITY** to maintain a valid health permit;
- Consider the Health Permit fees as enforceable within thirty (30) days of approval of the Tarrant County Commissioner's court;
- Revise **CITY** code/ordinance, where applicable, to adopt changes to the fees;
- Inform Tarrant County Public Health Environmental Health Manager when code/ordinance are modified and when updates are complete;
- Assign Tarrant County Public Health authority to collect health permit fees from permit applicants;
- Be responsible for enforcement of the **CITY's** ordinances;
- And, where legally required, require facilities to have certified pool/spa operators.

3. NO WAIVER OF IMMUNITY

This Agreement does not waive **COUNTY** rights under a legal theory of sovereign immunity.

4. THIRD PARTY

This Agreement shall not be interpreted to inure to the benefit of a third party not a party to this Agreement. This Agreement shall not be interpreted to waive any statutory or common law defense, immunity, or any limitation of liability, responsibility or damage of any party to this Agreement, party's agent or party's employee, otherwise provided by law.

5. EXCLUSION OF INCIDENTAL DAMAGES

Independent of, severable from, and to be enforced independently of any other enforceable or unenforceable provision of this Agreement, **NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY (NOR TO ANY PERSON CLAIMING INCIDENTAL, CONSEQUENTIAL, SPECIAL, PUNITIVE, OR EXEMPLARY DAMAGES OF ANY KIND**, including lost profits, loss of business, or other economic damage and further including injury to property, mental anguish, or emotional distress.

6. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a joint venture between the parties. The Agreement does not appoint any party as agent for the other party.

7. GOVERNING LAW AND VENUE

This Agreement shall be interpreted under the laws of the State of Texas. The venue for any lawsuit arising out of this Agreement will be the Fort Worth Division of the Northern District of Texas if the lawsuit arises in Federal Court or Tarrant County, Texas if the matter arises in State Court.

8. ASSIGNMENT

This Agreement shall not be assigned or transferred and that any attempt to assign or transfer this Agreement or any of its rights or obligations shall be null and void.

9. SEVERABILITY

If any court determines any provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect.

10. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party

whose signing makes the Agreement fully executed.

11. TERM

This Agreement shall begin upon the approval of both the City Council and the Tarrant County Commissioners Court and shall continue until canceled by either party with a minimum of 90 days written notice to the other party.

12. AMENDMENT

No amendment, modification or alternation of the terms of this Agreement shall be binding unless the same is in writing and signed by both parties.

13. TERMINATION

Either party may terminate this Agreement without cause by providing written notice of intent to terminate at least ninety (90) days prior to the intended date of termination. Written notice of intent to terminate shall be sent by certified mail, return receipt requested, to the other party at its address:

Addresses:

Tarrant County Public Health
Attn.: Environmental Division Manager
1101 S. Main St.
Fort Worth, Texas 76104

CITY: _____
Attn: _____
Address: _____

Executed this _____ day of _____, 202__.

CITY of _____

STATE OF TEXAS
COUNTY OF TARRANT

By: _____
Name:
Title:

By: _____
Tim O'Hare
County Judge

Date:

Date:

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Name:
Title:

By: _____
Name:
Title:

Date:

Date:

ATTEST:

ATTEST:

By: _____
Name:
Title:
Date:

By: _____
Name:
Title:
Date:

APPROVED AS TO FORM:

Criminal District Attorney's Office*

Date:

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

[Insert Attachment A]

*Current fee schedule as of signature date of this document.

*CITY agrees to accept new fee schedul

**CITY OF DALWORTHINGTON GARDENS
FEE SCHEDULE**

ARTICLE A1.000 GENERAL PROVISIONS

Sec. A1.001 Adoption of Fee Schedule

The city council shall adopt the official fee schedule of the city from time-to-time by resolution and the fee schedule shall be maintained in the office of the city secretary. The city council may review the fee schedule at any time and may, by resolution, increase or decrease said fees within the schedule, or add or eliminate fees within the schedule, upon a determination that said change is warranted. An updated fee schedule shall be publicly available and maintained at all times by the city secretary.

Sec. A1.002 Payment Required

All persons, firms or corporations applying for licenses, permits or other city services that by their nature require the applicant to pay a fee incident to such application shall pay the fees as prescribed in the official fee schedule of the city.

Sec. A1.003 Collection and use of fees

It shall be unlawful for any person, firm or corporation to conduct any activity or commence any use for which payment of a fee is required until such fee has been paid. A violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense.

ARTICLE A2.000 ADMINISTRATIVE SERVICES

Sec. A2.001 Public records/public information

- (a) Paper copy - 8-1/2 x 11, per page: \$0.10.
- (b) Paper copy - 8-1/2 x 14, per page: \$0.50.
- (c) Paper copy - 11 x 17, per page: \$0.50.
- (d) Specialty paper copy (e.g.: Mylar, blueprint, blueline, map, photographic): Actual cost.
- (e) DVD*: \$3.00.
- (f) CD-R or CD-RW: \$1.00.
- (g) Other electronic media: Actual cost.
- (h) Labor charge (over 50 pages): \$15.00/hour.
 - (1) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:
 - (A) Two or more separate buildings that are not physically connected with each other;
 - (B) A remote storage facility; or
 - (C) Two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.
- (i) Programming labor: \$28.50/hour.
- (j) Remote document retrieval: Actual cost.
- (k) Computer resource charge: \$2.50/hour.
- (l) Overhead (over 50 pages): 20% of labor cost.
- (m) Miscellaneous supplies (such as labels, boxes, and other supplies used to produce the requested

information): Actual cost.

(n) Postage and shipping charge: Actual cost.

Sec. A2.002 Public safety costs and fees

(a) Accident report:

- (1) \$6.00 for regular copy.
- (2) \$8.00 for certified copy.

(b) Fingerprinting: \$10.00 for the first two (2) cards and \$10.00 for each additional card

(c) Personnel costs (incurred in hazardous materials or utility break cases):

- (1) Police, fire or EMT: \$50.00/hour.
- (2) Hazardous materials technician: \$70.00/hour.
- (3) Incident commander/safety officer: \$75.00/hour.
- (4) Fire marshal/fire inspector: \$50.00/hour.
- (5) Public works inspector: \$45.00/hour.

(d) Equipment costs (incurred in hazardous materials or utility break cases):

- (1) Patrol unit: \$75.00/hour.
- (2) Police motorcycle: \$50.00/hour.

(e) Records copies: As in section A2.001.

Sec. A2.003 Other administrative costs

(a) Returned checks: \$30.00.

(b) Newsletter advertising:

- (1) Half page - 12 months: \$1,500.00.
- (2) Half page - 6 months: \$1,000.00.
- (3) Half page - 1 month: \$250.00.
- (4) Quarter page - 12 months: \$1,000.00.
- (5) Quarter page - 6 months: \$600.00.
- (6) Business card - 12 months: \$350.00.
- (7) Business card - 6 months: \$200.00.
- (8) Business card - 1 month: \$75.00.

(c) Confidentiality maintenance of utility records: One-time \$3.00 fee.

ARTICLE A3.000 CONSTRUCTION SERVICES

Sec. A3.001 Contractor registration and licensing

(a) Contractor registration: Registration is required pursuant to Section 3.10.002 of the Dalworthington Gardens Code of Ordinances but no registration fee is required.

Sec. A3.002 Building permits and inspections

(a) New residential construction.

Square Footage (S.F.)	Fee
0–1,500 S.F.	\$942.00
1,501–10,000 S.F.	\$942.00 for the first 1,500 S.F. plus \$0.45 for each additional S.F. to and including 10,000 S.F.
Over 10,000 S.F.	\$4,767.00 for the first 10,000 S.F. plus \$0.20 for each additional S.F. over 10,000 S.F.

(b) Alteration/addition for residential construction.

Trade Permits	Fee
Building, mechanical, electrical, plumbing, fuel gas and similar	\$120.00 per trade
Shut off valve installation not accompanied by other work	\$25 per valve
Other projects not listed above	\$200.00 per trade

(c) Commercial and multifamily construction permit fees.

Valuation	Fee
\$1.00 to \$10,000.99	\$100.00
\$10,001.00 to \$25,000.99	\$125.00 for the first \$10,000.00 plus \$7.00 additional \$1,000.00
\$25,001.00 to \$50,000.99	\$191.00 for the first \$25,000.00 plus \$6.00 additional \$1,000.00
\$50,001.00 to \$100,000.99	\$314.00 for the first \$50,000.00 plus \$5.00 additional \$1,000.00
\$100,001.00 to \$500,000.99	\$485.00 for the first \$100,000.00 plus \$4.00 additional \$1,000.00
\$500,001.00 to \$1,000,000.99	\$1,580.00 for the first \$500,000.00 plus \$3.00 additional \$1,000.00
\$1,000,001.00 and up	\$2,736.00 for the first \$1,000,000.00 plus \$2.00 additional \$1,000.00

(d) Commercial and multifamily construction inspections.

Valuation	Fee
\$1.00 to \$10,000.99	\$100.00
\$10,001.00 to \$25,000.99	\$135.00 for the first \$10,000.00 plus \$11.00 additional \$1,000.00
\$25,001.00 to \$50,000.99	\$294.00 for the first \$25,000.00 plus \$8.00 additional \$1,000.00
\$50,001.00 to \$100,000.99	\$483.00 for the first \$50,000.00 plus \$6.00 additional \$1,000.00
\$100,001.00 to \$500,000.99	\$746.00 for the first \$100,000.00 plus \$5.00 additional \$1,000.00
\$500,001.00 to \$1,000,000.99	\$2,426.00 for the first \$500,000.00 plus \$4.00 additional \$1,000.00
\$1,000,001.00 and up	\$4,207.00 for the first \$1,000,000.00 plus \$3.00 additional \$1,000.00

(e) Reinspection: \$100.00.

(f) House mover's permit: \$250.00.

(g) Any permit required item not otherwise specified: \$200.00.

(h) Fence: \$75.00.

(i) Roof: \$200.00.

(j) Structural repair to building foundation: \$200.00.

(k) Underground storage tank: \$100.00.

(l) Retaining wall: \$100.00.

(m) Commercial only:

(1) Canopy: Based on value as set forth in subsection (c) and (d) above.

(2) Tent: Based on value as set forth in subsection (c) and (d) above.

(n) Residential only:

(1) Garage, carport, patio cover, accessory structure, storage building, etc., accessory use only: Based on square footage as set forth in subsection (a) above.

(2) Swimming pool or outdoor spa:

(i) In ground: \$200.00.

(ii) Above ground: \$50.00.

(iii) If engineering review is necessary, actual invoice cost is added to appropriate permit fee amounts as noted in subsection (a) and (b) above.

(o) Lay, construct, build, repair or rebuild any sidewalk, curb, gutter, drive approach, or driveway: \$200.00.

(p) Third Party Inspection and Review Fees. These fees are in addition any applicable permit fees otherwise listed in the City Fee Schedule. and are charged when a third party building official conducts inspections and certain reviews in the absence of the City building official. Where uncertainty exists. the City may request an estimate from the third party prior to payment from the applicant. A deposit may be required to cover associated fees. All fees are due prior receiving a passing inspection.

- i. Commercial inspection: \$85.00 per inspection
- ii. Residential inspection: \$70.00 per inspection
- iii. Food service plan review: \$110.00 per hour

Sec. A3.003 Sign permits and inspections

- (a) Advertising (billboards): \$500.00.
- (b) Temporary advertising signs (unless specifically exempted from permit requirements): Based on value as set forth in section A3.002(c)
- (c) All other signs: Based on value as set forth in section A3.002(c).
- (d) Real estate signs smaller than 20 square feet shall not require a permit.
- (e) Change in copy or in sign face shall constitute a new sign for fee purposes.

Sec. A3.004 Certificate of occupancy

- (a) New construction: \$100.00.
- (b) Change of occupancy: \$100.00.
- (c) Temporary, for cleaning and showing premises without other use: \$100.00.

Sec. A3.005 Fire permits and inspections

Both permit fees and inspections fees are applicable for each project.

- (1) Single-family residential fire plan review services.
 - (A) Fire code plan review services: \$210.00.
 - (B) Fire code inspection services: \$480.00.
- (2) Fire code plan review services - commercial and multifamily construction (each fire alarm system and fire sprinkler system). Fee is for each system. Fire alarm system and fire sprinkler system assessed separately.
 - (A) Less than \$6,250.00: \$240.00.
 - (B) \$6,250.00–\$250,000.00: \$360.00.
 - (C) \$251,000.00–\$500,000.00: \$510.00.
 - (D) \$501,000.00–\$1,000,000.00: \$660.00.
 - (E) \$1,001,000.00–\$3,000,000.00: \$960.00.
 - (F) \$3,001,000.00–\$6,000,000.00: \$1,440.00.
 - (G) \$6,000,000.00 and up: \$1,440.00 plus \$0.46 for each additional \$1,000.00.
- (3) Fire code inspection services - commercial and multifamily construction (each fire alarm system and fire sprinkler system).
 - (A) Less than \$6,250.00: \$360.00.
 - (B) \$6,250.00–\$250,000.00: \$510.00.
 - (C) \$251,000.00–\$500,000.00: \$630.00.
 - (D) \$501,000.00–\$1,000,000.00: \$810.00.
 - (E) \$1,001,000.00–\$3,000,000.00: \$1,140.00.

- (F) \$3,001,000.00–\$6,000,000.00: \$1,710.00.
- (G) \$6,000,000.00 and up: \$1,710.00 plus \$0.46 for each additional \$1,000.00. Valuation is based on construction valuation for project.
- (4) Fire underground.
 - (A) Fire code plan review (1 hour minimum): \$120.00 per hour.
 - (B) Fire code plan inspection (1 hour minimum): \$120.00 per hour.
- (5) Fire extinguisher suppression system.
 - (A) Per permit, one inspection: \$420.00.
 - (B) Each reinspection: \$120.00.
- (6) Fire certificate of occupancy inspections. Minimum one hour per inspection: \$180.00 per hour.
- (7) Annual commercial fire safety inspections and reinspections. \$130.00.
- (8) Underground/aboveground fuel storage tanks.
 - (A) Fire code plan review: \$420.00.
 - (B) Fire code inspection: \$540.00.
- (9) Fire pump - additional. \$250.00.
- (10) Resubmittal fee for fire permit plans that have been resubmitted more than two times: \$85.00.
- (11) Operational business permits. Operational permit fees of \$55.00 are required annually for any business with operations set forth in IFC 105.6. sections 105.6.1 through 105.6.48.
- (12) Third Party Inspection and Review Fees. These fees are in addition to any applicable permit fees otherwise listed in the City Fee Schedule, and are charged when a third party fire code official conducts inspections and reviews in the absence of the City fire code official. Where uncertainty exists, the City may request an estimate from the third party prior to payment from the applicant. A deposit may be required to cover associated fees. All fees are due prior receiving a passing inspection.
 - i. Commercial fire plan review: \$110.00 per hour
 - ii. Commercial fire inspection: \$125.00 per hour
 - iii. Residential fire plan review: \$189.00 per residential structure
 - iv. Residential fire inspection: \$70.00 per inspection
- (13) Annual Commercial Fire Inspection delinquent penalty. \$25.00.

ARTICLE A4.000 WATER AND SEWER SERVICE

- (a) Sewer connection fee: \$130.00.
- (b) Tap and access fees:
 - (1) Tap fees:
 - (A) Meter charge: Labor cost of \$50.00 per hour plus actual cost of meter.
 - (B) City tap fees: Actual cost of third-party invoice cost plus \$25.00 administrative fee.
 - (C) The following sized meters are used in the city: 3/4", 5/8", 1", 1-1/2", and 2".
 - (2) Street cut requires city council approval.
 - (3) Access fees: Fort Worth system access fees for water shall be as set and assessed by the City of Fort Worth pursuant to the wholesale water contracts between Fort Worth and Dalworthington Gardens. This is an additional cost to the city's tap fees.
- (c) Water service rates:

(1) The following rates per month shall be the rates charged for water service furnished to the customer within the corporate limits of the city:

(A) Residential and commercial rates:

Gallons of Water	Residential Rate	Commercial Rate
First 2,000 gallons (minimum)	\$30.00	\$55.00
Over 2,000 gallons (per 1,000 gallons)	\$4.46	\$4.46

(B) Bulk rates: To purchasers of water from the city in bulk quantities per contract \$9.75 per 1,000 gallons, and a \$350.00 minimum charge regardless of usage.

(2) The schedule in subsection (1) of this section is based upon the amount of water used, as measured by a single meter, in increments of one thousand (1,000) gallons.

(d) Sewer service rates:

(1) The following rates per month, based upon water consumption, shall be the rates charged for sewer service furnished to the customers within the corporate limits of the city:

Gallons of Water	Residential Rate	Commercial Rate
First 2,000 gallons (minimum)	\$25.00	\$55.00
Over 2,000 gallons (per 1,000 gallons)	\$4.20	\$4.20

For residential only, a maximum of 15,000 gallons will be billed.

(e) Water and sewer fees - miscellaneous:

- (1) Meter upgrades: Cost of meter.
- (2) Portable meter equipment deposit: \$1,500.00 refundable deposit to the account, less any equipment damage costs.
- (3) Portable meter water bill deposit: \$500.00 refundable deposit to the account.
- (4) New meter box: \$100.00.
- (5) New meter box cover: \$20.00.
- (6) Water account deposit (refundable): \$125.00.
- (7) Connection and reconnection: \$20.00.
- (8) Disconnect for nonpayment: \$40.00.
- (9) After-hours callout fee: \$50.00 for first hour, then real time staff billable hours thereafter.
- (10) Meter re-read at customer request (if first reading correct): \$25.00.
- (11) Pressure test: \$45.00.
- (12) Negotiated payment plans: \$20.00 per arrangement. Cannot extend beyond twelve months from the payment plan date.
- (13) Payment extensions: \$20.00 per extension. Cannot extend beyond next month's due date.
- (14) Backflow permit: \$35.00.
- (15) Delinquent penalty: an additional amount equal to 10% of the bill, inclusive of water, sewer, household hazardous waste and solid waste collection charges, before delinquency.

ARTICLE A5.000 DEVELOPMENT RELATED FEES

- (a) Development inspection fee: \$200.00 plus any third-party costs in excess of this amount.
- (b) Abandonment of right-of-way: \$250.00.
- (c) Structure moving permit: \$250.00.
- (d) Development review: \$750.00 plus any third-party review costs in excess of this amount.
- (e) Demolition permit: \$50.00.
- (f) Plats (the sum of all applicable fees included within the below section plus any third-party costs in excess of this amount.)
 - (1) Preliminary: \$1,500.00 plus \$75.00 per lot for all lots over two.
 - (2) Final: \$1,500.00 plus \$75.00 per lot for all lots over two.
 - (3) Revision, replat or vacation: \$1,500.00 plus \$75.00 per lot for all lots over two.
 - (4) Refund on withdrawal of plat:
 - (A) Prior to engineering review: 75% of fee.
- (g) Zoning:
 - (1) Change of zoning classification: \$1,500.00 plus \$50.00/acre if not SF zoned.
 - (2) Appeal to zoning board of adjustments: \$500.00.
 - (3) Refund on withdrawal:
 - (A) Prior to advertising hearing: 75% of fee.
 - (B) After advertising hearing: 25% of fee.
 - (4) Zoning verification letter: \$50.00.
- (h) Grading and excavating permit:
 - (1) Less than one acre: \$125.00.
 - (2) One to five acres: \$200.00.
 - (3) Over five acres: \$250.00.
- (i) Street opening permit: \$50.00 per 100 feet of street opening or portion thereof.
- (j) Mobile food unit permit required by section 14.02.223: \$25.00 per permit. One permit may authorize the operation of a mobile food unit at multiple locations.

ARTICLE A6.000 ANIMAL CONTROL SERVICES

- (a) Dogs and cats (per day) (3-day hold): Actual cost in accordance with the fee assessed by the third party city uses for said service.
- (b) Reclaimed animals: \$100.00 per incident plus applicable fees (vaccines, etc. charged by third party).
- (c) Euthanization/disposal fee: Actual cost in accordance with fee assessed by the third party city uses for said service.
- (d) Animal head shipment/rabies testing: Actual cost in accordance with fee assessed by third party city uses for said service.
- (e) Confined animal facility operations permit: The greater of either \$500.00 or the actual cost incurred by the city for engineering services by the city engineer in reviewing any application for the permit or renewal of the permit.
- (f) Any appeal to the board of adjustments of any matter pursuant to section 2.03.032(e) of this code: \$500.00.
- (g) Issuance of confined animal permit and inspection annually: \$100.00.

ARTICLE A7.000 SOLID WASTE COLLECTION, RECYCLING, AND HOUSEHOLD HAZARDOUS WASTE

- (a) Solid waste with recycling:
 - (1) Residential rates with recycling: \$17.47
 - (2) Additional recycling cart: \$2.35
 - (3) Commercial curbside pickup: \$23.20

(4) Commercial hand collect recycling cart: \$6.60

(b) Household hazardous waste collection fee: \$1.00 per month.

ARTICLE A8.000 HEALTH PERMITS

(a) Food establishment health permits:

- 1) Food Service Permit: less than 500 sq. ft.: \$400.00
- 2) Food Service Permit:>500 = < less than 1500 sq. ft.: \$500.00
- 3) Food Service Permit:>1500 = < less than 3000 sq. ft.: \$600.00
- 4) Food Service Permit: > 6000 sq. ft. or above: \$800.00
- 5) Food Service Permit: Adjunct Food Service: \$500.00
- 6) Food Service Permit: Adjunct Food Store - < less than 5000 sq. ft.: \$500.00
- 7) Food Service Permit: Adjunct Food Store - > 5000 sq. ft. or above: \$600.00
- 8) Food Service Permit: Catering Operation: \$700.00
- 9) Food Service Permit: Child Care Facility: \$500.00
- 10) Food Service Permit: School Cafeteria with/ Contract: \$250.00
- 11) Food Service Permit: Commissary (non-prep): \$400.00
- 12) Food Service Permit: Commissary (prep): \$600.00
- 13) Food Service Permit: Food Court: \$600.00
- 14) Food Service Permit: Mobile Unit (prepackaged): \$400.00
- 15) Food Service Permit: Mobile Unit (preparation of food): \$600.00
- 16) Food Service Permit: Mobile Unit (push cart): \$600.00
- 17) Farmers Market: \$100.00
- 18) Food Store: < less than 5000 sq. ft.: \$600.00
- 19) Food Store: >5000 sq. ft. or above: \$800.00
- 20) Food Late Fee: 1-30 days: 10% of fee
- 21) Food Late Fee: 31-60 days: 20% of fee
- 22) Food Late Fee: 61-90 days: 30% of fee
- 23) Plan Review: >1500 sq. ft. or above: \$200.00
- 24) Plan Review: <1500 sq. ft. or below: \$100.00
- 25) Temporary Food Establishment 1-5 Days: \$35.00**
- 26) Temporary Food 6-14 Days: \$70.00**
- 27) Required/Requested Reinspection: \$75.00
- 28) Duplicate Permits **: \$15.00

(b) Public swimming pool or spa permits:

- 1) Annual public pool & spa permit fee: \$315.00
- 2) Pool plan review & opening inspection: \$200.00
- 3) Contractual inspections – School districts (per site visit): \$150.00”
- 4) Duplicate Permits **: \$15.00”

Permit fee collection authority delegated to county.

ARTICLE A9.000 MISCELLANEOUS FEES

(a) Pull charge (per vehicle, per pull): \$45.00.

(b) Door-to-door sales registration under article 4.03: \$2,000.00.

(c) Alarm fees:

- (1) Non-city home security alarm permit: \$10.00 annually.

- (2) Alarm notification service fee:
 - (A) Per false alarm notification under 5 in a 12-month period: No charge.
 - (B) Per false alarm notification 5 to 8 in a 12-month period: \$60.00.
 - (C) Per false alarm notification over 8 in a 12-month period: \$90.00.
- (d) Alcoholic beverage fees: A fee is hereby levied of one-half of the state fee for each permit and license issued by the state alcoholic beverage commission for premises located within the city, pursuant to the authority of section 11.38 and section 61.36 of the Texas Alcoholic Beverage Code.
- (e) Municipal setting designation fees: A fee of \$500.00 is hereby levied for each application for a municipal setting designation for a specific location or specific business operation pursuant to regulations or requirements of the state commission on environmental quality.
- (f) Collection fee: A fee in the amount of thirty percent (30%) on each item for which such fee is permitted to be assessed by Texas Code of Criminal Procedure section 103.0031, such collection fee to be calculated as provided in such section, and subject to the limitations stated in such section and in any other applicable law, state or federal.
- (g) Private water well permit application fee: \$1,500.00.
- (h) Short-term Rental Fees:
 - a. Application for permit: \$200.00
 - b. Permit renewal: \$200.00
 - c. Short-term rental inspection fee: \$130.00

ARTICLE A10.000 FIRE AND RESCUE FEES

- (a) Mitigation rates based on per hour: The mitigation rates below are average “billing levels,” and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.
- (b) Motor vehicle incidents:
 - (1) Level 1 - \$435.00. Provide hazardous materials assessment and scene stabilization. This will be the most common “billing level.” This occurs almost every time the fire department responds to an accident/incident.
 - (2) Level 2 - \$495.00. Includes level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.
 - (3) Level 3 - car fire - \$605.00. Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.
- (c) Add-on services:
 - (1) Extrication - \$1,305.00. Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.
 - (2) Creating a landing zone - \$400.00. Includes air care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).
 - (3) Itemized response. The city has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

- (4) Additional time on-scene.
 - (A) Engine billed at \$400.00 per hour.
 - (B) Truck billed at \$500.00 per hour.
 - (C) Miscellaneous equipment billed at \$300.00.
- (d) Hazmat:
 - (1) Basic response: level 1 - \$700.00. Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.
 - (2) Intermediate response: level 2 - \$2,500.00. Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.
 - (3) Advanced response: level 3 - \$5,900.00. Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - each additional hour at \$300.00 per hazmat team.
 - (4) Additional time on-scene (for all levels of service).
 - (A) Engine billed at \$400.00 per hour.
 - (8) Truck billed at \$500.00 per hour.
 - (C) Miscellaneous equipment billed at \$300.00.
- (e) False alarm billing rates:
 - (1) The first three (3) false alarms within twelve (12) months in a calendar year are free of charge.
 - (2) The fourth (4) false alarm and beyond in a twelve (12) month calendar year is billed at \$100.00 but will not exceed \$500.00.
- (f) Fire investigation:
 - (1) Fire investigation team - \$275.00 per hour. Includes:
 - (A) Scene safety.
 - (B) Investigation.
 - (C) Source identification.
 - (D) K-9/arson dog unit.
 - (E) Identification equipment.
 - (F) Mobile detection unit.
 - (G) Fire report.
 - (2) The claim begins when the fire investigator responds to the incident and is billed for logged time only.
- (g) Fires:
 - (1) Assignment - \$400.00 per hour, per engine I \$500.00 per hour, per truck. Includes:
 - (A) Scene safety.
 - (8) Investigation.
 - (C) Fire I hazard control.

- (2) This will be the most common “billing level.” This occurs almost every time the fire department responds to an incident.
 - (3) Optional: A fire department has the option to bill each fire as an independent event with custom mitigation rates. Itemized, per person, at various pay levels and for itemized products use.
- (h) Illegal fires:
- (1) Assignment - \$400.00 per hour, per engine; \$500.00 per hour, per truck.
 - (2) When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.
- (i) Water incidents:
- (1) Basic response: level 1. Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common “billing level.” This occurs almost every time the fire department responds to a water incident. Billed at \$400.00 plus \$50.00 per hour, per rescue person.
 - (2) Intermediate response: level 2. Includes level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident. Billed at \$800.00 plus \$50.00 per hour, per rescue person.
 - (3) Advanced response: level 3. Includes level 1 and level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Billed at \$2,000.00 plus \$50.00 per hour per rescue person, plus \$100.00 per hour per hazmat team member.
 - (4) Itemized response: level 4. The city has the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.
- (j) Back country or special rescue:
- (1) Itemized response. Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used. Minimum billed \$400.00 for the first response vehicle plus \$50.00 per rescue person. Additional rates of \$400.00 per hour per response vehicle and \$50.00 per hour per rescue person.
- (k) Chief response: This includes the set-up of command, and providing direction of the incident. This could include operations, safety, and administration of the incident. Billed at \$250.00 per hour.
- (l) Miscellaneous/additional time on-scene: Engine billed at \$400.00 per hour. Truck billed at \$500.00 per hour. Miscellaneous equipment billed at \$300.00.
- (m) Mitigation rate notes:
- (1) The mitigation rates above are average “billing levels,” and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

(2) These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

(n) Late fees: If the invoice is not paid within 90 days, a late charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be assessed to the responsible party.

ARTICLE A11.000 PARKS AND RECREATION FEES

Sec. A11.001 Park usage fees

(a) Park pavilion rental.

- (1) Resident: \$15.00 per 2 hour block.
- (2) Nonresident: \$30.00 per 2 hour block.

(b) Baseball field rental.

- (1) Resident: \$15.00 per 2 hour block.
- (2) Nonresident: \$30.00 per 2 hour block.

(c) Practice fields rental.

- (1) Resident: \$15.00 per 2 hour block.
- (2) Nonresident: \$30.00 per 2 hour block.

(d) No individual or group may reserve any park facility more frequently than twice per calendar week.

(e) Deck rental.

- (1) Resident: \$15.00 per 2 hour block.
- (2) Nonresident: \$30.00 per 2 hour block.

RESOLUTION NO. 2024-01

A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS AMENDING THE FEE SCHEDULE TO AMEND FEES FOR THE INSPECTION OF FOOD ESTABLISHMENTS AND SWIMMING POOLS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens, Texas (“City”) is a Type A General Law Municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council previously adopted a fee schedule; and

WHEREAS, the City and Tarrant County recently entered into an interlocal agreement governing the inspections of swimming pools and food establishments, and fees for such inspections; and

WHEREAS, WHEREAS, the interlocal agreement requires the City to adopt changes to its fee schedule as required in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DALWORTHINGTON GARDENS, TEXAS, THAT:

Section 1.

ARTICLE A8.000 “HEALTH PERMITS” of the City of Dalworthington Gardens Fee Schedule is hereby amended to read as follows:

“ARTICLE A8.000 HEALTH PERMITS

(a) Food establishment health permits:

- 1) Food Service Permit: less than 500 sq. ft.: \$400.00
- 2) Food Service Permit:>500 = < less than 1500 sq. ft.: \$500.00
- 3) Food Service Permit:>1500 = < less than 3000 sq. ft.: \$600.00
- 4) Food Service Permit: > 6000 sq. ft. or above: \$800.00
- 5) Food Service Permit: Adjunct Food Service: \$500.00
- 6) Food Service Permit: Adjunct Food Store - < less than 5000 sq. ft.: \$500.00
- 7) Food Service Permit: Adjunct Food Store - > 5000 sq. ft. or above: \$600.00
- 8) Food Service Permit: Catering Operation: \$700.00
- 9) Food Service Permit: Child Care Facility: \$500.00
- 10) Food Service Permit: School Cafeteria with/ Contract: \$250.00
- 11) Food Service Permit: Commissary (non-prep): \$400.00
- 12) Food Service Permit: Commissary (prep): \$600.00

- 13) Food Service Permit: Food Court: \$600.00
 - 14) Food Service Permit: Mobile Unit (prepackaged): \$400.00
 - 15) Food Service Permit: Mobile Unit (preparation of food): \$600.00
 - 16) Food Service Permit: Mobile Unit (push cart): \$600.00
 - 17) Farmers Market: \$100.00
 - 18) Food Store: < less than 5000 sq. ft.: \$600.00
 - 19) Food Store: >5000 sq. ft. or above: \$800.00
 - 20) Food Late Fee: 1-30 days: 10% of fee
 - 21) Food Late Fee: 31-60 days: 20% of fee
 - 22) Food Late Fee: 61-90 days: 30% of fee
 - 23) Plan Review: >1500 sq. ft. or above: \$200.00
 - 24) Plan Review: <1500 sq. ft. or below: \$100.00
 - 25) Temporary Food Establishment 1-5 Days: \$35.00**
 - 26) Temporary Food 6-14 Days: \$70.00**
 - 27) Required/Requested Reinspection: \$75.00
 - 28) Duplicate Permits **: \$15.00
- (b) Public swimming pool or spa permits:
- 1) Annual public pool & spa permit fee: \$315.00
 - 2) Pool plan review & opening inspection: \$200.00
 - 3) Contractual inspections – School districts (per site visit): \$150.00”
 - 4) Duplicate Permits **: \$15.00”

Permit fee collection authority delegated to county.”

Section 2.

This resolution shall be effective upon its adoption.

PASSED AND APPROVED this _____ day of _____, 202_.

**CITY OF DALWORTHINGTON
GARDENS, TEXAS**

BY: _____
Laurie Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING CHAPTER 6, “HEALTH AND SANITATION,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING REGULATIONS GOVERNING PUBLIC SWIMMING POOLS AND SPAS AND FOOD ESTABLISHMENTS; AMENDING APPENDIX “FEE SCHEDULE,” TO AMEND FEES RELATED TO SWIMMING POOLS AND SPAS AND FOOD ESTABLISHMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens, Texas (the “City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City and Tarrant County recently entered into an interlocal agreement governing the inspections of swimming pools and food establishments, and fees for such inspections; and

WHEREAS, the interlocal agreement requires the City to adopt changes to its ordinances as required in the agreement; and

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

SECTION 1.

Section 6.01.001 of Article 3, “General Provisions” of Chapter 6, “Health and Sanitation,” of the Code of Ordinances, City of Dalworthington Gardens, Texas (the “Code”), is amended to read as follows:

“§ 6.01.001 Public swimming pools and spas.

Public swimming pools in the city shall be constructed and maintained only in accordance with the following:

- (1) The city designates the Tarrant County Health Department Director as its Health Authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department’s function.
- (2) The rules adopted and contained in Texas Health and Safety Code, Title 5, Subtitle A, Chapter(s) 341.064, 341.0645 and 341.0695; Texas Health and Safety Code, Title 1, Chapter 1 Section 1.005, and Texas Health and Safety Code, Title 9, Subtitle A, Chapter 757. In addition, adopted the current rules as amended by the Executive Commissioner of the Health and Human Services Commission for Standards for Public Pools and Spas (Texas Administrative Code, Title 25, Chapter

265, Subchapter L), Public Interactive Water Features and Fountains (Texas Administrative Code, Title 25, Chapter 265, Subchapter M), and Pool Yard Enclosures (Texas Health and Safety Code Chapter 757) are incorporated herein.

- (3) All pools shall be constructed so as to conform to the design standards for public swimming pool construction prescribed in chapter 337 of the Texas Administrative Code.
- (4) The Tarrant County Public Health Department shall be the regulatory authority for the purposes of enforcement of this section and the standards hereby adopted.
- (5) All public and semi-public swimming pools and spas in the city shall at all times maintain a valid public health permit evidencing compliance with this section and other applicable provisions of this code and state law.
- (6) Where not otherwise precluded by applicable law, each public swimming pool in the city shall be under the supervision and control of a pool manager certified in accordance with the provisions of this section or the regulations hereby adopted.
- (7) Fees for the regulation herein provided shall be as prescribed in the City's fee schedule. All health permit fees are enforceable within thirty (30) days of approval of the Tarrant County Commissioner's court. The Tarrant County Public Health Authority shall collect health permit fees.
- (8) When required by law, require facilities with public and semi-public pool/spa to have certified pool/spa operators."

SECTION 2.

Section 6.03.032 of Article 3, "Food and Food Products," of Chapter 6, "Health and Sanitation," of the Code is amended to read as follows:

"§ 6.03.032 Designation of health authority.

The city designates the Tarrant County Health Department Director as its health authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department's function."

SECTION 3.

Section 6.03.033 of Article 3, "Food and Food Products" of Chapter 6, "Health and Sanitation," of the Code is amended to read as follows:

"§ 6.03.033 Adoption of state regulations.

- (a) To the extent that the same are not otherwise applicable to food service establishments in the city, there are hereby adopted by reference, the same as if copied herein, chapters 341

and 431 of the Texas Health and Safety Code, and the Executive Commission of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments together with administrative regulations adopted pursuant thereto.

- (b) A certified copy of each rule manual described above shall be kept on file in the office of the city secretary.”

SECTION 4.

Section 6.03.034 of Article 3, “Food and Food Products,” of Chapter 6, “Health and Sanitation,” of the Code is amended by adding the definition of “Health authority” to be inserted alphabetically and revising the definition of “Regulatory authority” to read as follows:

“* * *

Health authority. The Medical Director of the Tarrant County Public Health Department.”

* * *

Regulatory authority. The Tarrant County Public Health Department.

* * *”

”

SECTION 5.

Section 6.03.035 of Article 3, “Food and Food Products,” of Chapter 6, “Health and Sanitation,” of the Code is amended to read as follows:

“§ 6.03.035 **Health permit.**

- (a) Required. It shall be unlawful for any person to operate a food establishment in the city unless he possesses a current and valid health permit issued by the county health department.
- (b) Posting. A valid permit shall be posted in public view in a conspicuous place at the food establishment for which it is issued.
- (c) Transfer; change of ownership of business. Permits issued under the provisions of this division are not transferable. Upon change of ownership of a business the new business owner will be required to meet current standards as defined in ordinances and state law before a permit will be issued.
- (d) Separate permit required for each establishment. A separate permit shall be required for every type food establishment and temporary food establishment having separate and distinct facilities and operations, whether situated in the same building or at separate locations. Lounge operations located in the same building on the same floor operating under the same liquor license will not require a separate permit.

- (e) Suspension. The health department may suspend any permit to operate a food establishment if the operator of the establishment does not comply with the requirements of this division and state laws and rules, or the operation of the food establishment otherwise constitutes an imminent health hazard. Before a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within ten (10) days of receipt of a written request for a hearing. Suspension is effective after a ten (10) day notice period is given by the health department in the event a public hearing is not requested. When a permit is suspended, food service operations shall immediately cease.
- (f) Notification of right to hearing. Whenever a notice of suspension is given, the holder of the permit to [or] the person in charge shall [be] notified in writing that an opportunity for a hearing will be provided. If no written request for hearing is filed within ten (10) days, the permit is suspended. The health department may end the suspension any time if reasons for suspension no longer exist.
- (g) Revocation. The health department may, after providing notice and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the health department in the performance of its duties. Prior to revocation, the health department shall notify the holder of the permit or person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten (10) days following service of such notice. Unless a written request for a hearing is filed with the health department by the holder of the permit within such ten (10) day period, the revocation of the permit becomes final.
- (h) Service of notices. A notice provided for in these rules is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the regulatory authority.
- (i) Hearings. The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the regulatory authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license, or certificate by the regulatory authority.
- (j) Right of appeal. Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the county health department.
- (k) Application for new permit after revocation. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit to the health department.
- (l) Fee. A health permit fee as established by the commissioner's court is required annually for each food establishment. Fees are due and payable on or before September 30 of each year and are to be paid to the Tarrant County Health Department at 1800 University Drive, Fort Worth. A health permit is enforceable within thirty (30) days of approval of the Tarrant County Commissioner's Court. The Tarrant County Public Health Authority shall collect

health permit fees from permit applicants.”

SECTION 6.

Section 6.03.037 of Article 3, “Food and Food Products,” of Chapter 6, “Health and Sanitation,” of the Code is amended to read as follows:

“§ 6.03.037 **Food manager and food handler certification.**

(a) Food manager certification.

- (1)** All food establishments handling open foods and/or beverages and having seven (7) or more food handlers shall also have employed at least one person in a managerial capacity possessing a current food manager’s certificate issued or approved by the health department. A certificated manager must be on duty during all hours of operation.
- (2)** Establishments having fewer than seven (7) employees shall not be required to have a certified food manager on duty.
- (3)** Proof of food manager certification shall be a condition precedent to the operation of any establishment for which such certification is required.
- (4)** All certifications shall be displayed with the establishment’s health permit.
- (5)** Upon written application and presentation of evidence of satisfactory completion of a food manager’s course, equivalent training, or examination as approved by the director of public health, the health department shall issue a food manager’s certificate valid for three (3) years unless sooner revoked. Suspension or revocation of an establishment’s health permit by the health department shall be cause for revocation of that manager’s certification at such establishment.
- (6)** Whenever there is a change in the ownership of a food service establishment, the new ownership of such establishment shall be allowed sixty (60) days from the date of change of ownership to comply with this section.
- (7)** The following are hereby specifically made exempt from the food manager certification requirements of this section:
 - (A)** Temporary food establishments;
 - (B)** Establishments selling only uncut produce and/or packaged food;
 - (C)** Establishments in which fountain drinks, coffee, and/or popcorn are the only food items;
 - (D)** Day care centers that do not prepare food other than the heating/cooling of prepackaged items;
 - (E)** Establishments with fewer than seven (7) employees; and
 - (F)** Farmers’ markets.

(b) Food handler certification.

- (1)** All food handlers shall obtain and maintain in force at all times while employed by an establishment within the scope of this section a food handler certificate. Such certificate shall issue upon satisfactory completion of instruction offered by the health department, and shall be valid for one (1) year unless sooner revoked.
- (2)** As used in this section, the term “food handler” shall mean any person employed by a food service establishment, retail food store, food manufacturer, day care center, temporary event food booth, snow cone stand, mobile food unit or other similar facility or activity, which person is engaged in the preparation, serving, packaging or handling of open food or drink or the cleaning of utensils, pots, pans and single-service items used in the preparation, serving, packaging or handling of open food or drink.
- (3)** Exempt from the provisions of this subsection are certified food managers, cashiers, grocery sackers, prepackaged food stockers, bus persons handling only soiled cooking and serving equipment, delivery persons, not-for-profit organization volunteers handling only nonperishable foods, and public school food service workers who have completed accredited training.
- (4)** When required by law, require facilities to have certified food managers and food handlers.”

SECTION 7.

SECTION 7.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code, as amended. Where the provisions of this Ordinance are in direct conflict with the provisions of any earlier ordinances and Code provisions, then the conflicting provisions of such earlier ordinances and Code provisions are hereby repealed.

SECTION 8.

All rights or remedies of the City are expressly saved as to any and all violations of the Code of Ordinances, or any amendments thereto that have accrued at the time of the effective date of this Ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 9.

It is hereby declared to be the intention to the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unenforceable or invalid by the final judgment or decree of any court of competent jurisdiction, such unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this

Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED and APPROVED on this ____ day of _____, 202_.

Laurie Bianco, MAYOR

ATTEST:

Sandra Ma, CITY SECRETARY



Mayors' Monarch Pledge Action Items

Mayors and local government chief executives who have taken the Mayors' Monarch Pledge must commit to implement at least three of the 25 following action items within a year of taking the pledge. At least one action must be taken from the "Program & Demonstration Gardens" section. Mayors and local government chief executives taking more than eight actions will receive special recognition as part of the National Wildlife Federation's Mayors' Monarch Leadership Circle. NWF will follow up with all mayoral points of contact with a quarterly survey (1/1, 4/1, 7/1, 10/1) to monitor progress. Please visit www.nwf.org/mayorsmonarchpledge to take the pledge and access resources.

Communications & Convening:

- 1) Issue a Proclamation to raise awareness about the decline of the monarch butterfly and the species' need for habitat.
- 2) Launch a public communication effort to encourage citizens to plant monarch gardens at their homes or in their neighborhoods.
- 3) Communicate with community garden groups and urge them to plant native milkweeds and nectar-producing plants.
- 4) Convene city park and public works department staff and identify opportunities for revised mowing programs and milkweed / native nectar plant planting programs.
- 5) Convene a meeting with gardening leaders in the community to discuss partnerships to support monarch butterfly conservation.

Program & Demonstration Gardens:

- 6) Host or support a native plant sale or milkweed seed giveaway event.
- 7) Facilitate or support a milkweed seed collection and propagation effort.
- 8) Plant a monarch-friendly demonstration garden at City Hall or another prominent location.
- 9) Convert abandoned lots to monarch habitat.
- 10) Plant milkweed and native nectar plants in medians and public rights-of-way.
- 11) Launch a program to plant native milkweeds and nectar plants in school gardens by engaging students, teachers and the community.
- 12) Earn recognition for being a wildlife-friendly city by expanding your action plan to include other wildlife and habitat conservation efforts through a program like the NWF Community Wildlife Habitat program
- 13) Create a monarch neighborhood challenge to engage neighborhoods and homeowners' associations within the city to create habitat for the monarch butterfly.
- 14) Initiate or support citizen-science efforts that help monitor monarch migration and health.
- 15) Add milkweed and nectar producing plants in community gardens.

- 16) Expand invasive species removal programs to make it possible to re-establish native milkweed and nectar plants to the landscape.
- 17) Host or support a city monarch butterfly festival.

Systems Change:

- 18) Remove milkweed from the list of noxious plants in city weed / landscaping ordinances (if applicable).
- 19) Change weed or mowing ordinances to allow for native prairie and plant habitats.
- 20) Increase the percentage of native plants, shrubs and trees that must be used in city landscaping ordinances and encourage use of milkweed where appropriate.
- 21) Direct city property managers to consider the use of native milkweed and nectar plants at city properties where appropriate.
- 22) Integrate monarch butterfly conservation into the city's Park Master Plan, Sustainability Plan, Climate Resiliency Plan or other city plans.
- 23) Change landscape ordinances to support integrated pest management and reduced use of pesticides and insecticides.
- 24) Ban the use of neonicotinoid pesticides, or plants and seeds treated with neonicotinoid pesticides, on city lands.
- 25) California Specific: Pass a resolution to protect over-wintering monarch butterfly habitat on public and private lands.

Staff Agenda Report

P&Z Board recommended to approve replat 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas on 1/10/2024.

Agenda Subject: Discussion and possible action regarding a replat for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas

Background Information: Section 1.02.151 of the City's Code of Ordinance states the purpose of a replat is to revise or subdivide any part or all of any block or previously platted subdivision, addition, or lot.

On August 9, 2023, Diana King submitted a replat application for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas. The plat application was forwarded to the city engineer for review. On December 8, 2023, the city engineer conducted his final review of the plat and determined the plat conforms with the City's ordinance and recommended approval of the plat.

Local Government Code , Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinance. As such, staff recommends approval of this plat

Recommended Action/Motion: Motion to approve a replat application from Diana King for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas.

Attachments:

- Plat Application**
- Replat**
- Site Plan**
- Letter confirming approval**



PLAT Application

CITY OF DALWORTHINGTON GARDENS

2600 Roosevelt
TEL. 817-274-7368 FAX 817-265-4401
www.cityofdwb.net

Replat Amending Plat Preliminary Plat Final Plat

Applicant's Name: _____

Address: _____

Applicant Contact Number: _____

Applicant Email: _____

Surveyor: _____

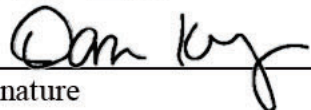
Address: _____

I have purchased or have access to the City of Dalworthington Gardens Subdivision Ordinance which specifies requirements for plat submissions.

Yes No

The attached submission complies with all applicable requirements of the City Subdivision Ordinance.

Yes No


Signature

8/9/23
Date

For Office Use Only

Fee: _____ Date Paid: _____ Receipt # _____

P & Z Scheduled _____ Public Hearing Published: _____

Council Scheduled: _____ Public Hearing Published: _____

Pro-Rata Paid: \$ _____ Date: _____

The list is not intended to be all-inclusive of required fees for each development. This short list is provided for applicant convenience. Applicant shall ensure all applicable fees are paid per city ordinances.

Development	Fee
1. Plats (the sum of all applicable fees included within the below section plus any third-party costs in excess of this amount.)	
Preliminary	\$750 (plus 75.00 per lot for all lots over 2)
Final	\$750 (plus 75.00 per lot for all lots over 2)
Replat, vacation or amended plat	\$750 (plus 75.00 per lot for all lots over 2)
2. Refund on Withdrawal of Plat	
Prior to Advertising of hearing	75% of fee
After Advertising of hearing	25% of fee
3. Zoning	
Change of Zoning Classification	\$1,500 (plus \$50/acre if not SF zoned)
Appeal- Zoning Board of Adjustment	\$500
4. Refund on Withdrawal	
Prior to Advertising of hearing	75% of fee
After Advertising of hearing	25% of fee
5. Development Fee - Other	
Development inspection fee	\$200.00 plus any third-party costs in excess of this amount
Right-of-way abandonment	\$250
Development Review	\$750
6. Grading and Excavating Permit	
Less than One Acre	\$125
One to Five Acres	\$200
Over Five Acres	\$250
7. Street Opening Permit	\$50 per 100 ft. or portion thereof(City Council approval reqd.)
8. House Moving Permit	\$250
9. Demolition Permit	\$50



December 8, 2023

Sandra Ma
Interim City Secretary
City of Dalworthington Gardens
2600 Roosevelt Drive
Dalworthington Gardens, TX 76016

RE: Third Submittal Review of the Replat
2715 W. Pioneer Parkway
KHA No. 068302504

Dear Sandra:

We have completed our review of the third submittal of the replat for 2715 W. Pioneer Parkway. The plat contains 0.797 acres combining two commercial lots into one. The plat was received via email at Kimley-Horn on December 2, 2023 for review.

All previous comments have been adequately addressed. We recommend the replat for approval.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Brandon Bell, P.E." in a cursive style.

Brandon Bell, P.E.



WMTI ENGINEERING, LLC
FORT WORTH, TX 76107

FOR NO. 003-5903315
DRAWN: RCS
CHECKED: JIB
DATE

TABLE OF REVISIONS
SUMMARY

2715 PIONEER PARKWAY
DALWORTHINGTON GARDENS, TEXAS

SHEET
VO1

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

STATE OF TEXAS
COUNTY OF TARRANT
COUNTY OF TARRANT
COUNTY OF TARRANT

- LEGEND OF ABBREVIATIONS
D.E.D. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS
P.L.A.T. RECORDS, TARRANT COUNTY, TEXAS

NOTE: There shall be provided at the intersections of all public streets, visibility triangles as shown on this plat. The triangles shall be constructed in accordance with the standards of the Texas Department of Transportation, Texas Manual of Style, 2009, and shall be maintained in accordance with the standards of the Texas Department of Transportation, Texas Manual of Style, 2009.

APPROVED: City Secretary, City of Dalworthington Gardens, _____ 20____

APPROVED: City Secretary, City of Dalworthington Gardens, _____ 20____

