

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING CHAPTER 42, "HEALTH AND SANITATION," OF THE SAGINAW CITY CODE BY AMENDING REGULATIONS GOVERNING PUBLIC SWIMMING POOLS AND SPAS, AND FOOD ESTABLISHMENTS; AND AMENDING EXHIBIT A "MASTER FEE SCHEDULE," TO AMEND FEES RELATED TO FOOD ESTABLISHMENTS AND SWIMMING POOLS AND SPAS; 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 Saginaw, Texas (the "City"), a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City previously adopted regulations regarding food establishments and public swimming pools and spas, including interactive water features; and

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

WHEREAS, the interlocal agreement requires the City to amend its regulations as required in the agreement; and

WHEREAS, in order to protect the public health, safety, and welfare, the City desires to revise the fees and regulations applicable to such facilities.

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

SECTION 1.

Section 42-61, "Designation of health authority," of Article III, "Public Swimming Pools and Spas," of Chapter 42, "Health and Sanitation," of the Saginaw City Code, is hereby amended to read as follows:

"Sec. 42-61. - Designation of health authority.

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

SECTION 2.

Section 42-62, "State regulations and guidelines adopted," of Article III, "Public Swimming Pools and Spas," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby amended to read as follows:

"Sec. 42-62. - State regulations and guidelines adopted.

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."

SECTION 3.

Section 42-63, "Definitions," of Article III, "Public Swimming Pools and Spas," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby 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 means the medical director of the Tarrant County Public Health Department."

* * *

"Regulatory authority means the Tarrant County Public Health Department."

* * *

SECTION 4.

Subsections (a) and (f) of Section 42-64, "Pool and spa permits," of Article III, "Public Swimming Pools and Spas," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby amended to read as follows:

"(a) *Required.* It shall be unlawful for any person to operate a public pool, spa or interactive water feature in the city without a current and valid pool, spa or interactive water feature permit. A separate permit shall be required for every public pool, spa or interactive water feature except that public pools or spas or interactive water features on a single water filtration system require one permit. All public and semi-public swimming pools/spas within the corporate limits of the city are required to maintain a valid health permit.

* * *

- (f) *Inspections for permits.* An inspection shall be required annually to qualify for a permit. A permit is valid for one (1) year from the date of issuance. 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 permit fees"

SECTION 5.

Subsection (a) of Section 42-70, "Public pool, spa or interactive water feature operator certification," of Article III, "Public Swimming Pools and Spas," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby amended to read as follows:

- (a) *"Requirement.* The person in charge of pool, spa or interactive water feature operations at a Class C pool as defined by the adopted regulations, or as required by law, shall have at least one (1) certified pool, spa or interactive water feature operator employed to the pool, spa or interactive water feature for each apartment complex or municipal location. The certificate must be kept on premises to facilitate inspections."

* * *

SECTION 6.

Section 42-91, "Designation of health authority," of Article IV, "Food and Food Establishments," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby amended to read as follows:

"Sec. 42-91. - Designation of health authority.

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

SECTION 7.

Section 42-92, "Adoption of Texas Food Establishment Rules," of Article 4, "Food and Food Establishments," of Chapter 42, "Health and Sanitation," of the Saginaw City Code is hereby amended to read as follows:

"Sec. 42-92.- Adoption of Texas Food Establishment Rules.

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.”

SECTION 8.

Section 42-93, “Definitions,” of Article IV, “Food and Food Establishments,” of Chapter 42, “Health and Sanitation,” of the Saginaw City Code is hereby amended by adding the definition of “Health authority” to be inserted alphabetically to read as follows:

* * *

“Health authority. The medical director of the Tarrant County Public Health Department.”

* * *

SECTION 9.

Section 42-94, “Permits and exemptions,” of Article IV, “Food and Food Establishments,” of Chapter 42, “Health and Sanitation,” of the Saginaw City Code is hereby amended to read as follows:

“Sec. 42-94. - Permits and exemptions.

A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferrable from one person or entity to another or from one location to another location, except as otherwise permitted by this article. A valid permit must be visibly posted in or on every food establishment regulated by this article. A health permit is enforceable within thirty (30) days of approval of the Tarrant County Commissioner’s Court.”

SECTION 10.

Subsection (5) of Section 42-98, “Food manager/food handler education,” of Article IV, “Food and Food Establishments,” of Chapter 42, “Health and Sanitation,” of the Saginaw City Code is hereby amended to read as follows:

* * *

“(5) Food manager and food handler certification documentation must be maintained in the food service establishment and presented upon request by the regulatory authority, or when required by law.”

SECTION 11.

The City Council hereby amends the sections “Tarrant County Health Department Food Program Fees” and “Tarrant County Health Department Swimming Pool, Spa & Interactive Water Feature Fees Public Works Inspection Fee” of the City’s Master Fee Schedule, established by Ordinance No. 2023-27, as amended, to read attached hereto in Exhibit “A.”.

SECTION 12.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City 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 13.

All rights or remedies of the City are expressly saved as to any and all violations of the Saginaw City Code, 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.

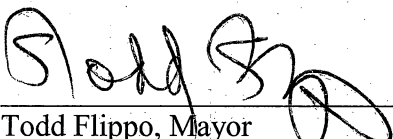
SECTION 14.

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.

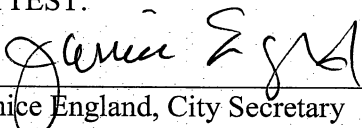
SECTION 15.

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

PASSED and APPROVED on this 18th day of June, 2024.


Todd Flippo, Mayor

ATTEST:


Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

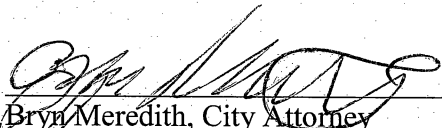

Bryn Meredith, City Attorney



EXHIBIT A

TARRANT COUNTY HEALTH DEPARTMENT FOOD PROGRAM FEES		
Food Store		
< less than 5000 sq. ft.	\$600.00	
> 5000 sq. ft. or above	\$800.00	
Food Service		
≤ 500 sq. ft.	\$400.00	
> 500 ≤ 1500 sq. ft.	\$500.00	
> 1500 ≤ 3000 sq. ft.	\$600.00	
> 3000 ≤ 6000 sq. ft.	\$700.00	
> 6000 sq. ft.	\$800.00	
Child Care Food Service	\$500.00	
School Cafeteria w/ Contract	\$250.00	
Catering Operation	\$700.00	
Food Court	\$600.00	
Adjunct Operation		
Food Service	\$500.00	
Food Store ≤ 5000 sq. ft.	\$500.00	
Food Store > 5000 sq. ft.	\$600.00	
Commissary		
No food prep	\$400.00	
With food prep	\$600.00	
Mobile Units		
Prepackaged food only	\$400.00	
Open and/or food prep	\$600.00	
Push Carts	\$600.00	
Farmers Market	\$100.00	
Plan Review		
>1500 sq. ft. or above	\$200.00	
<1500 sq. ft. or below	\$100.00	
Late Fee		
From 1-30 Days	10% of fee owed	
From 31-60 Days	20% of fee owed	
From 61-90 Days	30% of fee owed	

Permits that are more than 90 days overdue will be void and required to reapply.		
Temporary Food Establishment		
1-5 Days**	\$35.00	
6-14 Days**	\$70.00	
Duplicate Permits**	\$15.00	
Reinspection Fee		
Required reinspection	\$75.00	
TARRANT COUNTY HEALTH DEPARTMENT SWIMMING POOL, SPA & INTERACTIVE WATER FEATURE FEES		
Pool Plan Review and opening inspection**	\$200.00	
Annual Public Pool & Spa Permit	\$315.00	
Required reinspection	\$75.00	
Contractual Inspections – School Districts (avg. \$150 per site visit) **	\$150.00	
Duplicate Permits**	\$15.00	
** Indicates no fee increase.		