

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1  
LORRAINE HEHN, COUNCIL PLACE 2  
NICCOLE TYSON, COUNCIL PLACE 3  
ED PERRY, COUNCIL PLACE 4  
JASON ALBERT, COUNCIL PLACE 5  
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR  
KYLE JUNG, CITY MANAGER  
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING  
OF THE CITY OF MANVEL  
June 20, 2022**

**NOTICE IS HEREBY GIVEN  
5:30 P.M. WORKSHOP  
6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City of Manvel will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

**NOTE:** The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

**This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.**

**Workshop Session- 5:30 P.M.**

**Executive Session**

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

*Litigation Case No. 117397 - CV, Brazoria County Municipal Utility District No. 61 vs The City of Manvel*

**Regular Session – 6:00 P.M.**

**Call To Order**

**Inspirational Reading - Mayor Davison**

**Pledge**

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

**Public Comments: "Comment Card" Required**

*\*\*\*Members of the public who wish to submit written comments on a listed agenda item must submit their comments via the Public Comment Request Form found on the city website [www.cityofmanvel.com](http://www.cityofmanvel.com) or by emailing [thell@cityofmanvel.com](mailto:thell@cityofmanvel.com) or by calling 281-489-0630 x6 for staff assistance.*

**City Manager Update**

Update on current events and city issues.

- \* COVID Update
- \*Drought Conditions (Burn Ban Status)
- \*Groundbreaking for Manvel Regional Drainage Pond - June 21, @ 10:00 a.m.
- \*Ribbon Cutting at Croix Park for new playground equipment - June 28, @ 10:00 a.m.

**Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Approve the meeting minutes to date.
2. Approve second and final reading of Ordinance 2022-O-16;  
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY REPEALING THE CURRENT ARTICLE X "MOBILE FOOD VENDORS" AND ADOPTING A NEW ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; AMENDING CHAPTER 35, ARTICLE VII "PEDDLERS, CANVASSERS, AND SOLICITORS"; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
3. Approve second and final reading of Ordinance 2022-O-17;  
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY REPEALING THE CURRENT CHAPTER 33 "FOOD AND FOOD HANDLERS" AND ADOPTING A NEW CHAPTER 33 "FOOD AND FOOD HANDLERS" TO REGULATE FOOD ESTABLISHMENTS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

4. Approve second and final reading of Ordinance 2022-O-20;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ARTICLE V OF CHAPTER 26. *ENVIRONMENT*, BY AMENDING THE DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
5. Acceptance of infrastructure improvements for Manvel Town Center - Kirby Drive Extension and begin the two-year Maintenance Period.
6. Acceptance of infrastructure improvements for Meridiana Section 50 to begin the two-year Maintenance Period.

### **Regular Agenda**

1. Consideration and possible action to approve Resolution 2022-R-08;  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES for ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.
2. Consideration and possible action to approve a Subdivision Variance request to Section 62-113, Sidewalks for property located at 6835 Old Chocolate Bayou Road, and authorize the Mayor to execute the Development Agreement.

### **Mayor and Council Comments**

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

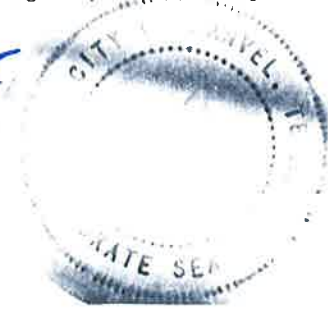
- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
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- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

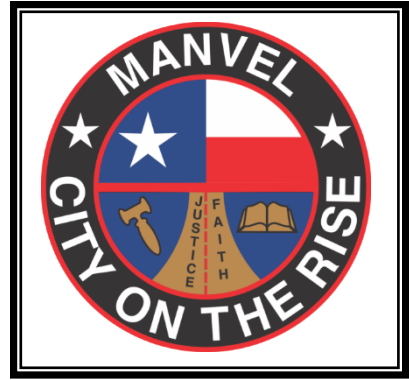
### **Adjourn**

#### **CERTIFICATION**

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on June 17, 2022 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.

  
TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS





THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
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**Regular Session**

**Call To Order**

**Inspirational Reading - Mayor Davison**

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- A reminder about an upcoming event organized or sponsored by the governing body;
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- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

#### **Adjourn**

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On File  
TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS



# MANVEL CITY COUNCIL DATA SHEET

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**MEETING DATE:** May 16, 2022

**TOPIC:** Consideration and possible action to approve Ordinance No. 2022-O-16, which updates and clearly defines health and food safety standards for all mobile food and temporary food establishments that offer food to the public.

**BACKGROUND:** In order to ease comprehension and clarification, the mobile food (food truck) ordinance has been edited and updated to better serve the public. This includes addition and/or editing of definitions to strengthen the code, editing the format to mirror other ordinances, streamlining permit renewals, and clarifying previously unclarified health processes and permits, including processes for temporary food establishments and power failures.

**RECOMMENDATION:** The staff recommends approval of Ordinance No. 2022-O-16.

**ATTACHMENTS:** Ordinance No. 2022-O-16, Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Final Draft, and Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Redline Draft

## FUNDING ISSUES

- ☒ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

**SUBMITTING STAFF MEMBER**  
Danielle Bryan

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_

**ORDINANCE NO. 2022-O-16**

**AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY REPEALING THE CURRENT ARTICLE X “MOBILE FOOD VENDORS” AND ADOPTING A NEW ARTICLE X “MOBILE FOOD VENDORS” TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; AMENDING CHAPTER 35, ARTICLE VII “PEDDLERS, CANVASSERS, AND SOLICITORS”; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

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**WHEREAS**, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, Article X of the City Code by repealing the current Article X and adopting a new Article X to regulate mobile food vendors; and

**WHEREAS**, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by repealing the current Article X of Chapter 35.

Section 3. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by adopting a new Article X to read and provide as follows:

**“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS**

....

## **ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS**

### **Sec. 35-310. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

Mobile Food Unit (stationary) means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. food truck or taco truck).

Mobile Food Unit (mobile) means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

Mobile food vendor means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; or
- (3) Food truck (stationary); or
- (4) Food truck (mobile)

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

### **Sec. 35-311. General prohibition.**

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

### **Sec. 35-312. Sidewalk stand.**

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

### **Sec. 35-313. Food hand cart.**

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;

- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

**Sec. 35-314. Mobile Food Unit (stationary).**

(a) Food trucks (stationary) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

(b) The following requirements shall apply to all stationary mobile food units that are specifically permitted under this article:

- (1) MFUs must be equipped with the following
  - a. Portable fire extinguishers selected and installed in accordance with NFPA 10 with a minimum 2A:10BC rating. An approved Class K fire extinguisher must be provided for protection of grease cooking fires. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking appliances produce grease or smoke as a result of the cooking process.
  - c. Beginning on October 1, 2019, an automatic fire extinguishing system installed to protect cooking equipment.
- (2) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (3) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;
  - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility);
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;

- h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
- i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
- k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
- l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.

**Sec. 35-315. Mobile Food Unit (mobile).**

**Food trucks** (mobile) are prohibited.

- (1) There shall be an exception for temporary operation for the following:
  - a. Pre-packaged non-TCS food vendors; and
  - b. Ice cream trucks
- (2) **Food trucks** (mobile) shall not stand for more than fifteen (15) minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).
- (3) **Food trucks** with music or a public address system shall not exceed 65 decibels.
- (4) **Food trucks** may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.
- (5) **Food trucks** may not vend from the second lane of traffic, and may not double park or impede traffic.

**Sec. 35-316. Temporary food establishment**

(a) Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

(b) The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
- (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
- (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

**Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt).
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored 6 inches off the ground.

- c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
  - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
  - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit
- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
- e. Only single use articles may be provided for use by the consumer.
- f. All vendors in service for longer than two (2) hours must have access to a toilet facility.

(10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:

- a. The nature of the event, which must be open to the general public;
- b. Whether the organizers are in compliance with all city, county and state laws and regulations;
- c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
- d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
- e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

#### **Sec. 35-318. Permits and health requirements.**

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

##### (1) Health Permit.

- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
- b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as

applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.

- c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
  - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
  - d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
  - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
- (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
- (4) *Vehicle inspections.* All mobile food unit vendors must pass a vehicle inspection from the fire marshal's office as part of the City's permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
- (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
- (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.

(7) Revocation of health permit. In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.”

Section 3. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by amending Article VII - PEDDLERS, CANVASSERS, AND SOLICITORS to read and provide as follows:

**“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS**

....

**ARTICLE VII. - PEDDLERS, CANVASSERS, AND SOLICITORS**

...

**Sec. 35-171. - Exemptions from this article.**

(a) A peddler, solicitor, canvasser or itinerant vendor conducting activities on the property of another by the express, prior invitation of the owner thereof is exempt from the provisions of this article.

(b) A vendor selling or exhibiting for sale commodities, goods, merchandise or services to persons engaged in the business of buying, selling and dealing in the same within the city is exempt from the provisions of this article.

(c) Mobile and temporary food vendors subject to Article X.

...

Section 5. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Debra Davison, Mayor

Attest:

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Tammy Bell, City Secretary

Approved as to Form:

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Robert Gervais, City Attorney

## **ARTICLE X. MOBILE AND TEMPORARY FOOD VENDORS**

### **Sec. 35-310. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food hand cart* means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

*Mobile Food Unit (stationary)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

*Mobile Food Unit (mobile)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

*Mobile food vendor* means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; or
- (3) Food truck (stationary); or
- (4) Food truck (mobile)

*Sidewalk stand* means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

*Temporary food establishment* means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

### **Sec. 35-311. General prohibition.**

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

### **Sec. 35-312. Sidewalk stand.**

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

### **Sec. 35-313. Food hand cart.**

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and

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- (3) Private events (where admission is not open to the general public) on private property.

### **Sec. 35-314. Mobile Food Unit (stationary).**

Food trucks (stationary) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) MFUs must be equipped with the following
  - a. Portable fire extinguishers selected and installed in accordance with NFPA 10 with a minimum 2A:10BC rating. An approved Class K fire extinguisher must be provided for protection of grease cooking fires. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking appliances produce grease or smoke as a result of the cooking process.
  - c. Beginning on October 1, 2019, an automatic fire extinguishing system installed to protect cooking equipment.
- (2) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (3) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;
  - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility);
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit is such a matter that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
  - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
  - j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;

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- k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
  - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.

### **Sec. 35-315. Mobile Food Unit (mobile).**

Food trucks (mobile) are prohibited.

- (1) There shall be an exception for temporary operation for the following:
  - a. Pre-packaged non-TCS food vendors; and
  - b. Ice cream trucks
- (2) Food trucks (mobile) shall not stand for more than fifteen (15) minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).
- (3) Food trucks with music or a public address system shall not exceed 65 decibels.
- (4) Food trucks may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.
- (5) Food trucks may not vend from the second lane of traffic, and may not double park or impede traffic.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### **Sec. 35-316. Temporary food establishment**

Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.
- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
- (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
- (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

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## **Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name.
  - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt).
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored 6 inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
    - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit
  - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.
  - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
  - a. The nature of the event, which must be open to the general public;
  - b. Whether the organizers are in compliance with all city, county and state laws and regulations;

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- c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
  - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### **Sec. 35-318. Permits and health requirements.**

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

(1) *Health Permit.*

- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
- b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
- c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
- e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.

(2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.

(3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.

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- (4) *Vehicle inspections.* All mobile food unit vendors must pass a vehicle inspection from the fire marshal's office as part of the City's permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
  - (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
  - (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
  - (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

## ARTICLE X. MOBILE AND TEMPORARY FOOD VENDORS

### Sec. 35-310. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food hand cart* means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

*Mobile ~~(truck)~~ Food Unit (stationary)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

*Mobile ~~(truck)~~ Food Unit (mobile)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

*Mobile food vendor* means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; or
- (3) Food truck (stationary); or
- (4) Food truck (mobile)

*Sidewalk stand* means a ~~(food or)~~ drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way **operated by a person under the age of 18, who only offers lemonade** (e.g. lemonade stand).

***Temporary food establishment* means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.**

### Sec. 35-311. General prohibition.

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited. (Ord. No. 2018-O-52, § 2, 1-22-2019)

### Sec. 35-312. Sidewalk stand.

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade ~~(soft drink)~~ sidewalk stands operated by juveniles, ~~(or a non-profit corporation)~~ which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### Sec. 35-313. Food hand cart.

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

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**Commented [DB2]:** State definition

**Commented [DB3]:** Clarification

**Commented [DB4]:** State of Texas

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- (1) City events;
  - (2) City approved or sponsored events; and
  - (3) Private events (where admission is not open to the general public) on private property.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

#### **Sec. 35-314. Mobile Food Unit (stationary).**

Food trucks (stationary) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) MFUs must be equipped with the following
  - a. Portable fire extinguishers selected and installed in accordance with NFPA 10 with a minimum 2A:10BC rating. An approved Class K fire extinguisher must be provided for protection of grease cooking fires. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking appliances produce grease or smoke as a result of the cooking process.
  - c. Beginning on October 1, 2019, an automatic fire extinguishing system installed to protect cooking equipment.
- (2) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (3) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;
  - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility);
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;

Commented [DB5]: City of Missouri City

- i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
- k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
- l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.

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(Ord. No. 2018-O-52, § 2, 1-22-2019)

#### Sec. 35-315. Mobile Food Unit (mobile).

Food trucks (mobile) are prohibited.

- (1) There shall be an exception for temporary operation for the following:
  - a. Pre-packaged non-TCS food vendors; and
  - b. Ice cream trucks
- (2) Food trucks (mobile) shall not stand for more than fifteen (15) minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).
- (3) Food trucks with music or a public address system shall not exceed 65 decibels.
- (4) Food trucks may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.
- (5) Food trucks may not vend from the second lane of traffic, and may not double park or impede traffic.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

#### Sec. 35-316. Temporary food establishment

Commented [DB7]: Clarification

Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.
- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.

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(Supp. No. 28)

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- (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
  - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

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#### Sec. 35-317. Basic requirements.

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name.
- (5) ~~(5)~~(a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food ~~(truck)~~ unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt).
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored 6 inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
    - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit
  - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.

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f. ~~All vendors in service for longer than two (2) hours must have access to a toilet facility.~~

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- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- The nature of the event, which must be open to the general public;
  - Whether the organizers are in compliance with all city, county and state laws and regulations;
  - Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
  - Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### Sec. 35-318. Permits and health requirements.

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

(1) **Health Permit.**

- All mobile food units, mobile and stationary, must obtain a permit from the city ~~(fire marshal's office)~~. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. ~~Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued.~~ Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
- ~~All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.~~
- No person shall operate or cause to be operated any mobile food unit (mobile or stationary) ~~or temporary food establishment~~ which does not possess a valid health permit issued by the city ~~(fire marshal's office)~~. Any person, firm, or establishment who is found to have operated or caused operation ~~[a food truck (mobile or stationary)]~~ without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- Such ~~permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed [by the fire marshal or designee on the food truck in a conspicuous place where it can be viewed by patrons]~~ to the truck by the ~~code enforcement officer/health officer~~. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.

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- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
- e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- ~~f. Food hand cart vendors, where allowed by this article, are exempt from permit requirements.~~
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
- (3) ~~Food handling regulations. All vendors must obey and be in compliance with all state, county and city food handling regulations.~~ *Food preparation. No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.*
- (4) *Vehicle inspections.* All mobile food unit vendors must pass a vehicle inspection from the fire marshal's office as part of the City's permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
- (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
- (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
- (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

**Commented [DB17]:** Against Texas Admin Code, TFER 2015, and current code

**Commented [DB18]:** Repetitive

**Commented [DB19]:** Sugarland

**Commented [DB20]:** Edit formatting



# MANVEL CITY COUNCIL DATA SHEET

**MEETING DATE:** June 20, 2022

**TOPIC:** Consideration and possible action to approve the second and final reading of Ordinance No. 2022-O-17, which updates and clearly defines health and food safety standards for all establishments that offer food to the public.

**BACKGROUND:** In order to ease comprehension and clarification, the health permit and food safety ordinance has been edited and updated to better serve the public. This includes solidifying the adopted health code, addition and/or editing of definitions to strengthen the code, editing the format to mirror other ordinances, streamlining permit renewals, clarifying previously unclarified health processes and permits, including processes for temporary food establishments and power failures, and offering additional opportunities for food establishments, including owner-initiated inspections.

At the May 23, 2022, City Council meeting, the Council suggested a prorated fee for food establishment ownership changes. Based on City Council's recommendation, a change was made to Section 33-13, Refunds. Also, since the May 23<sup>rd</sup> meeting, an addition has been added to Section 33-51, Plans, whereby only commercially designed equipment is permitted in commercial food establishment. The existing version of this ordinance is silent on the matter.

**RECOMMENDATION:** The staff recommends approval of Ordinance No. 2022-O-17.

**ATTACHMENTS:** Ordinance No. 2022-O-17 (revised), Chapter 33, *Health Permit*, Final Draft Revised, and Chapter 33, *Health Permit*, Redline Draft Revised

## FUNDING ISSUES

- ☒ Not applicable  
☐ Not budgeted  
☐ Full amount already budgeted  
☐ Funds to be transferred from Acct.#

**SUBMITTING STAFF MEMBER**  
Danielle Bryan

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_

## Chapter 33 Health Permit [Food AND FOOD HANDLERS]

### ARTICLE I. IN GENERAL

The purpose of the Chapter is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly resented. This Chapter establishes set standards for management and person, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, and permit revision.

#### Sec. 33-1. Definitions

*Employee* shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is stationed in a room in which food or drink is prepared or served, including but not limited too the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in the food establishment.

*Food* means (1) articles used for food or drink for human consumption; (2) a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, (3) chewing gum, and (4) components of any such article.

*Hair Restraints* shall mean a hat, hair covering or net, beard restraint, or clothing that covers body hair and is designed and worn to effectively keep hair from contacted exposed food, equipment, utensils, linens, or single-use and single-service articles. This requirement does not apply to food employees, such as counter staff, who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, whose hair is secured.

*Health officer* shall mean any person in the code enforcement/health office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.

*Imminent health hazard* shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury; including but not limited too a complete rack of refrigeration, sewage back-up into the establishment, or an inspection score less than fifty (50).

*Misbranded-food* shall mean be deemed misbranded if:

- (i) Its labeling is false or misleading in any particular;
- (ii) It is offered for sale under the name of another food;
- (iii) It is an imitation of another food, unless its label bears the word "imitation" in type of uniform size and prominence and immediately thereafter the name of the food imitated; and except in cases of mixture and compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale

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under the distinctive name of another article if the name is accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. No one administering this chapter may constitute oleomargarine as an imitation of butter;

- (iv) The container is so made, formed, or filled as to be misleading;
- (v) It is in package form without a label containing: (a) the common name of the food, (b) the name and place of business of the manufacturer, packer, or distributor; (c) an accurate statement of the quantity of the content in terms of weight, measure, or numerical count; and (d) the name of the food source for each major food allergen contained in the food unless the food source is already part of the common name;
- (vi) If any word, statement, or other information required by or under authority of this chapter of state law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (vii) If it purports to be or is represented as food for which a definition and standard of identity has been prescribed by state regulations, unless, (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such foods;
- (viii) If it purports to be or is represented as: (a) A food for which a standard of quality has been prescribed by state regulations, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (b) A food for which standard or standards of fill of container have been prescribed by state regulations, and it falls below the standard of fill container applicable thereto, unless it labels bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
- (ix) If it is not subject to the provisions above, unless it bears labeling clearly giving: (a) the common or usual name in the food, if any there be; and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of clause (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state commissioner of health; provided further that the requirements above shall not apply to any bottled carbonated drinks or soft drinks and, provided further, that clause (b) of this subsection shall not apply to any bottled carbonated drinks or soft drinks or the dispensing of carbonated soft drinks in single service cups. Nothing in this chapter shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except insofar as the provisions of the law require to secure freedom of adulteration or misbranding;
- (x) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the state commissioner of health determines to be, and by regulations prescribed, as necessary in order to inform purchasers as to its value for such uses; or
- (xii) If it bears or contains any artificial flavorings, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations

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promulgated by the state commissioner of health. The provisions of this subsection and subsections (vii) and (ix) with respect to artificial coloring are not to apply in the case of butter, cheese, and ice cream.

*Nonprofit organization/establishment* shall mean an organization whose operations is not conducted or maintained for the purpose of making a profit, and from which its shareholders or trustees do not benefit financially. Nonprofit status must be verified by submission of supporting documentation, such as an IRS form 501c.

*Private water system* shall mean a drinking water system that is not connected to a public water system and is not regulated by the Texas Commission on Environmental Quality, including private wells. Such systems have additional requirements, including, but not limited to, water sampling and testing every six months. Upon request, proof of testing may be required and documents submitted to the regulatory authority.

*Regulatory authority* shall mean the City of Manvel, Texas.

*Temporary food establishment* shall mean a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

*Restaurant* shall mean restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich shop, sandwich stand, soda fountain, hospitals, institutions, private, public and parochial school lunchrooms, private and semi-private clubs, stadium concession stand, and all other food or beverage establishments, as well as other kitchens or other places in which food or drink is prepared for serving or for sale elsewhere.

*State law definitions* shall mean any term used in this chapter and not specifically defined herein shall have the meaning ascribed to it in the *Texas Food, Drug and Cosmetic Act*, V.T.C.A., Health and Safety Code, Ch. 431.

*Time/Temperature Controlled for Safety (TCS) Food* shall mean a food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation.

*Utensils* shall mean and include any kitchenware, tableware, glassware, cutlery, vessels, containers, or other equipment with which food or drink comes in contact during storage, preparation, serving, eating, or drinking.

## **Sec 33-2. State regulations adopted.**

- (a) The city adopts by reference the *Texas Food Establishment Rules 2015* The *Texas Food Establishment Rules 2015* shall be considered incorporated herein by reference for all purposes.
- (b) From and after enactment of this chapter, the *Texas Food Establishment Rules 2015* shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the *Texas Food Establishment Rules 2015* as definitions shall have the meanings and interpretations set forth therein.
- (c) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.
- (d) A copy of the *Texas Food Establishment Rules 2015* shall be on file in the office of the city secretary.

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## Sec. 33-3. Local amendments and definitions.

The *Texas Food Establishment Rules 2015* adopted in section 33-1 are hereby amended as follows:

- (1) The following provisions are added:
  - a. 228.2(153) Code enforcement/health officer - A city "code enforcement officer" or "health officer" shall mean any person in the health office/code enforcement office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.
  - b. 228.2(154) Reconstituted - Food created or prepared by recombining dehydrated food products with water or other liquids.
  - c. 228.2(155) Sanitation - Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, ~~and~~ equipment, and alike.
  - d. 228.186(o)(2)(F) - Service Animals - In areas that are not used for food preparation or storage, a food establishment may, at the owner or manager's discretion, or where required by law, allow patrons to bring service animals on the premises. Notices stating where a patron is allowed to bring service animals on the premises shall be posted in all areas where the service animals are to be allowed by the food establishment.
- (2) The following provisions are adopted in place of the identically numbered provisions in the *Texas Food Establishment Rules 2015*:
  - a. 228.2(57) Food establishment - Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, whether for charge or not, as follows:
    1. A restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service food market, conveyance used to transport people, institution, or food bank. This includes any establishment where prepackaged Time/Temperature Control for Safety (TCS) food and food products are offered to the ultimate consumer and intended for off premise consumption;
    2. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and
    3. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority.
    4. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises regardless if there is a charge for the food.
    5. Food establishment does not include
      - a. An establishment that offers only prepackaged foods that are not TCS foods;
      - b. A produce stand that only offers whole, uncut fresh fruits and vegetables;

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- c. A food processing plant;
  - d. A cottage food production operation; or
  - e. A private home that receives catered or home-delivered food.
- b. 228.2(59) Food Protection Manager Certification- A document obtained by a person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of food Protection Manager Certification Programs. Food establishments having multiple preparation areas or at such distance that a single individual may not effectively supervise activities in each, must have a person in charge who has a valid food service manager's certification located in each area.
- c. 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and food hand cart) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have onsite at least one food employee who possesses a food manager certification.
- d. 228.2(143) Temporary food establishment - A food establishment that operates a stand or booth for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. A temporary food establishment operating in the City must have onsite at least one food employee who possesses a food manager certification.
- e. 228.42(a)(2) is amended by changing "closed beverage container" to "screw top lid" and adding a requirement that management designate a specific location to store all approved employee beverage containers.

### **Sec. 33-3. Application of chapter.**

- (a) This chapter shall apply to all areas within the corporate limits of the city.
- (b) Persons or organizations whose food services are regulated and regularly inspected by another federal or state governmental entity are required to comply with this chapter.
- (c) If there is a conflict between a provision of this chapter and another provision of the City Code or state law, the more stringent provision shall apply.

### **Sec. 33-4. Enforcement.**

Except as where may be specifically stated herein, this chapter shall be enforced by the City code enforcement officer/health officer, or such other personnel designated by the city manager.

### **Sec. 33-5. Penalty.**

- (a) All provisions of this chapter shall be applicable to all food establishments, unless otherwise required by law.
- (b) No food establishment shall be operated within the city unless it conforms with the provisions of this chapter.
- (c) Any person or establishment deemed in violation of this chapter may be subject to permit suspension or revocation.

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- (d) Any person who intentionally, knowingly, willfully, or with criminal negligence violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$2,000.00. Each day of violation of this chapter shall constitute a separate offense. Prosecution in municipal court shall be in addition to other remedies provided in this chapter, by law, or in equity.
  - (e) A license holder shall ensure that the food establishment is in full compliance with this chapter at all times.
  - (f) The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.
  - (g) All mobile food unit and temporary food establishment vendors must comply with the requirements of the City Code, chapter 35, article X, as amended from time to time.

#### **Sec. 33-6. Injunction.**

- (a) If it appears that a person has violated, is violating, or threatens to violate this chapter, the city may institute a civil suit in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation.
- (b) The city may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that:
  - (1) A person is violating or threatening to violate this chapter; and
  - (2) The violation or threatened violation creates an immediate threat to the health and safety of the public.

#### **Secs. 33-7—33-9. Reserved.**

### ***ARTICLE II. HEALTH PERMIT***

#### **Sec. 33-10. Required.**

- (a) Health Permit. No person shall operate a food establishment without possessing a valid health permit issued by the City through the permits department. Such permit be known as a "health permit", a "temporary food establishment health permit", or a "mobile food unit health permit", hereinafter referred to collectively as "permit", "permits", or "health permit". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. All health permits issued by the City remain the property of the City.
- (b) The non-refundable annual fee for a food establishment health permit, other than that issued to a nonprofit organization, daycare, or institution, will be based on the square footage of the establishment.
- (c) Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food establishment, temporary food establishment, and mobile food unit.
- (d) Each and every food establishment, whether under one roof or not, operating separate POS systems, or subletting a location/area from lessee, shall be considered a separate establishment, and a permit must be obtained for each establishment. Each such establishment is subject to the requirements in this chapter.

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- (e) Application. All applications must be completely and accurately filled out, and all requirement documentation must be submitted. Any fraudulent information may cause revocation of any and all issued health permits.
- (1) Any person desiring to obtain a health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Such application shall include the applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.
  - (2) Any person desiring to obtain a temporary food establishment health permit shall make written application for such permit, at least three (3) days before prior to the beginning of the temporary food establishment operation, on forms provided at the city's permits department or on the city's website. In addition to the information listed in subsection (1) above, such application shall include
    - a. The inclusive dates of the proposed operations;
    - b. The name, address, and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and
    - c. A statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included.
  - (4) Any person desiring to obtain a mobile food unit health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Should an individual or entity own more than one mobile food unit, a health permit must be obtained to each individual mobile food unit. In addition to the information listed in subsection (1) above, such application shall include
    - a. The physical address where the mobile food unit is stationed when not in use;
    - b. The business name and address of the central preparation facility or other fixed food service establishment where the potentially hazardous food supplies are obtained;
    - c. The address of the servicing area; and
    - d. A description of the mobile food unit which includes the manufacturer's make, model, serial or VIN number, and the vehicle's state registration number.
  - (5) A permit holder must notify the City of any changes to the information submitted in an application for the permit, including but not limited to, change of address or telephone number. The notification must be given to the City in writing within ten (10) days of the change.
- (f) The permit department shall issue the appropriate permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter. All temporary food establishments and mobile food unit vendors must comply with the requirements of the City Code, Chapter 35, article X.

### **Sec. 33-11. Duration.**

Permits shall be issued annually and shall extend from the date of issuance or renewal, until June 30<sup>th</sup> each year. All Health Permits issued by the city expire on June 30<sup>th</sup> each year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

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Temporary food establishment health permits shall extend from the first date of service until ten (10) days after the first date of service. All temporary food vendor permit applications must be submitted at least three (3) days before the first event day. Applications received after less than three (3) days before the first event day may be imposed with additional fees.

Mobile food unit health permits shall be issued annually and shall extend from the date of issuance or renewal, until the first day of the issuance month the following year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

#### **Sec. 33-12. Fees.**

- (a) Before any permit shall be issued under this chapter, the applicant shall pay the applicable fees set forth in the latest fee schedule resolution adopted by the city. All food establishments shall be obligated to pay an annual permit fee as specified in the latest fee schedule resolution adopted by the city.
- (b) The re-inspection fee set forth in the latest fee schedule resolution adopted by the city shall apply in cases where re-inspection is deemed necessary by the City's code enforcement officer/health officer.
- (c) Health permit renewal applications received after the expiration date of issued permit fee shall include a late fee as set for in the latest fee schedule resolution adopted by the city.

#### **Sec. 33-13. Refunds.**

Permit fees are not refundable.

#### **Sec. 33-14. Suspension.**

- (a) The City, without warning, may suspend any health permit to operate a food establishment, temporary food establishment, and/or mobile food unit, if the operation of the establishment does not comply with the requirements of this chapter, the permit holder does not comply with the requirements of this chapter, or if the operation of the establishment otherwise constitutes a substantial health hazard or immediate threat to the health and safety of the public. Suspension is effective upon written notice and issuance, and service operations shall immediately cease.
- (b) Whenever a permit is suspended, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is suspended and inform them of the opportunity for a hearing before the city municipal court. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten (10) days following service of such notice of suspension. If a request for hearing is filed, a hearing shall be scheduled within ten days of the City's receipt of such request. If no request for hearing is filed within the ten-day period, the suspension of the permit is sustained. The city's code enforcement officer/ health officer may end the suspension at any time if reasons for suspension no longer exist.
- (c) Whenever a food service license is suspended, it may be physically removed from the premises by the code enforcement officer/health officer and retained at the office of the code enforcement officer/health officer until the suspension has been lifted or modified.
- (d) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the code enforcement officer/health officer.
- (e) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.

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- (f) If the permit holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.
  - (g) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the permit suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the permit holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalty authorized under this chapter, it may reinstate the permit.
  - (h) Whenever the reasons for a suspension no longer exist, the permit holder or the person in charge shall notify the permits department that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required re-inspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three (3) regular working days after the receipt of the request for inspection.

#### **Sec. 33-15. Revocation.**

The city may revoke a permit for serious or repeated violation(s) of any of the requirements of this chapter or for interference with the health official/code enforcement officer in the performance of his/her duties. Prior to revocation, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is subject to revocation, and that the permit shall be revoked at the end of the ten (10) calendar days following service of such notice unless a written request for a hearing is filed with the City secretary within ten (10) days following service of such notice of revocation. If a request for hearing is filed, a hearing shall be scheduled within thirty (30) days of the city's receipt of such request. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

#### **Sec. 33-16. Service of notice.**

A notice provided for in this article is properly served when it is delivered to the permit holder or the person in charge of the establishment or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder or when it is delivered by the city in person to the last known address of the permit holder.

#### **Sec. 33-17. Hearings.**

The hearings provided for in this article shall be held in the municipal court and presided over by a municipal court judge. Based upon the recorded evidence of such hearing, the municipal court judge 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 permit holder, and a copy shall be filed with the city secretary.

#### **Sec. 33-18. Application for a new permit after revocation.**

The permit holder that has been revoked must wait 180 days after the final date of the revocation decision before making written application for a new permit.

#### **Secs. 33-19—33-30. Reserved.**

## ***ARTICLE III. INSPECTIONS***

### **Sec. 33-31. Access.**

Agents of the city, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

### **Sec. 33-32. Frequency.**

- (a) When an initial health permit is issued, prompted by a new business or commercial change of occupant, an inspection that produces a graded score will be conducted within sixty (60) days of service launch.
- (b) An inspection of a food service establishment should be performed on each food establishment within the city at least every six (6) months, and additional inspections shall be performed as often as necessary for the enforcement of this chapter. Any establishment scoring 75 or below on an inspection will automatically receive a follow-up inspection within ten (10) days. A re-inspection fee must be paid prior to follow up inspection. Failure to pay re-inspection fee or a second score of 75 or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the city shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (c) If a food establishment is being inspected for the first time by the City code enforcement officer/health officer, the following additional requirements apply:
  - (1) For a food establishment located at permanent premises, a code enforcement officer/health officer will only conduct an inspection to obtain a food service permit after the food establishment has passed final inspections by the building official and the fire marshal, or their respective designees.
  - (2) A food establishment located at permanent premises may not store any food defined as time/temperature control for safety food (TCS) at the premises until after the code enforcement officer/health officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the code enforcement officer/health officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.
- (d) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. The code enforcement officer/health officer shall post the grade/score placard corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such grade/score placard shall not be defaced or removed by any person except the code enforcement officer/health officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter/score placard, or removes, defaces, or alters the inspection report or the corresponding letter/score placard, as required shall

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be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

- (e) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the code enforcement officer/health officer shall immediately suspend the health permit. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

### **Sec. 33-33. Correction of violations.**

The inspection form shall specify a reasonable period of time to correct the violations and such violations must be corrected within the specified period; provided, however, that:

- (1) If an imminent health hazard exists the establishment, including a mobile food unit, shall immediately cease food service operations and operations shall not be resumed until authorized by the city; and
- (2) All violations at temporary food establishments shall result in cessation of temporary food service operations.
- (3) The establishment or mobile food unit shall not resume operations until such time as a re-inspection determines that the condition(s) responsible for the requirement to cease operations no longer exists. The city shall offer to re-inspect the establishment within a reasonable time.

### **Sec. 33-35. Power Failure.**

- (1) Power failure greater than thirty (30) minutes and less than four (4) hours. If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than thirty (30) minutes but less than four (4) hours, the following steps must be taken:
  - a. The food establishment must be closed during the power failure;
  - b. A log must be kept of the time that the power failure initially occurred, the temperature of the food at that time, and the time and temperature of the TCS food at one (1) hour intervals until the power is restored;
  - c. The regulatory authority must be notified immediately of the power failure greater than three (3) hours; and
  - d. Documentation must be provided to the regulatory authority immediately upon request.
- (2) Power failure greater than four (4) hours. (In addition to those above in subsection 1) If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than four (4) hours, the following steps must be taken:
  - a. All TCS food must be disposed of. Documentation of disposal must be provided to the regulatory authority immediately upon request.
  - b. If required by the City, the food establishment may not re-open until an inspection has been conducted by the regulatory authority.

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## **Sec. 33-36. Examination, Detention, and Destruction of Food.**

- a. The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of this subchapter.
- b. The regulatory authority shall, upon written notice to the owner or person in charge, specifying the reasons therefor, place any food under detention which it has probable cause to believe is adulterated, misbranded, in violation of this chapter, or a hazard to public health. The City shall tag, label, or otherwise identify any food subject to the detention order. No food subject to a detention order shall be used, served or moved from the establishment. The regulatory authority shall allow storage of the detained food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested and, on the basis of evidence produced at the hearing, the detention order may be vacated or the person in charge of the food may be directed by written order to destroy such food or to bring it into compliance with the provisions of this subchapter.
- c. Time temperature control for safety foods (TCS). Immediate destruction of TCS food shall be ordered and accomplished if:
  - a. The TCS food is in a container or package that does not bear a date or day, and is not properly labeled to show evidence that the TCS food is less than seven (7) days old;
  - b. The TCS food is at a temperature of greater than 5 degrees Celsius (41 degrees Fahrenheit) and less than a temperature of 57 degrees Celsius (135 degrees Fahrenheit);
  - c. When using time as a public health control, the TCS food exceeds the time that is four (4) hours past the point in time when the food is removed from temperature control; or
  - d. When the food is deemed a hazard by the code enforcement officer/health officer.

## ***ARTICLE IV. CONSTRUCTION, REMODELING AND CONVERSION***

### **Sec. 33-51. Plans.**

- (a) No construction, remodeling, or alteration of a permitted food establishment shall be conducted without any and all required permits.
- (b) One (1) hard copy and an electric copy of properly prepared plans and specifications for each construction, remodeling, or alteration of a food establishment shall be submitted to the permit department prior to any on-site construction. The plans must be drawn to scale no smaller than one-eighth (1/8") inch and shall consist of a plot plan, floor plan, foundation plan, structural plan, plumbing plan, elevation plan, wall section, engineer's scale and survey (if required by applicable law), mechanical and electrical details, and health equipment detail with elevations, any of the City of Manvel standard details that apply, and the city's signature block on the first page.
- (c) All food establishments shall have a minimum of a 500-gallon grease trap/interceptor.
  - (1) Under sink grease traps for all food establishment shall be strictly prohibited. The only exception is for MFU's.

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- (2) Servicing of grease interceptors. Food service establishments must service grease interceptors quarterly. The regulatory authority may require that the food service establishment service the grease interceptors more frequently, if deemed necessary.
  - (3) Report of service. Each establishment may be required to provide the regulatory authority with a copy of the grease interceptors servicing manifest or invoice immediately after the grease interceptor has been serviced. The invoice shall contain the name and address of the food service establishment; the name and address of the licensed waste carrier; the name and address of the licensed disposal site; the signature of the operator of the establishment, the waste carrier and the disposal site; and the quantity and date of grease removal and disposal.
  - (d) All food prep areas shall have smooth wall board. Such as FRP (fiberglass reinforced panels.). No rough or porous wall board will be allowed.
  - (e) All food establishments, temporary food establishments, and mobile food units shall have only commercially designed equipment. Residentially designed equipment will not be permitted within a commercial food establishment operation.

### **Sec. 33-52. Other code requirements.**

A building permit shall be required for construction, alteration, remodeling or conversion of a food establishment in accordance with the International Building and Fire Codes and any and all codes adopted by the city. Any construction, alteration, remodeling, or conversion of a food establishment shall comply with all applicable federal and state laws and codes and regulations of the city. To the extent of a conflict between or among the provisions of this chapter and other codes or ordinances of the city, the more restrictive provision shall control.

### **Sec. 33-53. Ownership of food establishment.**

- (a) When an existing food establishment is purchased and the purchase does not include the property or the structure, but includes the rental or lease of space and/or equipment, the city requires that the person who operates the food establishment obtain a valid food establishment's permit. The person who applies for the food establishment's permit is considered, legally, to be the owner.
- (b) A food establishment permit will become void upon closing of any sale of the establishment. A new owner must submit an application for change of occupancy and an annual food establishment permit within thirty (30) days of finalizing the sale, pass an inspection, and make a payment for the annual food establishment permit prior to operation. All food establishment permits remain the property of the city.
- (c) When a food establishment sublets or rents a space or section of the establishment to a secondary party and that secondary party operated the space conjointly or separately from the first establishment, the secondary party will be considered a separate entity and must obtain a health permit separate from the first establishment.
- (c) The person who is registered on the food establishment's permit is the responsible party for the property, premises, structure and complete operating services. The operator of the food establishment is the ultimate responsible party, and the conditions under which the food establishment was leased or rented does not release the operator from the requirements of this article.
- (d) A new owner may continue to operate a food establishment without interruption from the city when the establishment is in complete compliance with this chapter. Total compliance is the basis for issuing the food establishment's permit, which must be obtained prior to opening the establishment for business. An inspection of the premises and operations can demonstrate the extent to which the food

establishment is in compliance. Such inspection and issuance of a new permit must be conducted within 30 days of purchase. Upon normal conditions, depending on the condition of the food establishment, many violations can be corrected within such a short period of time that an interruption of food services is unnecessary and not required.

- (d) Depending on the wear and tear (depreciation) on the establishment, the building and equipment may already be close to compliance, and it is the responsibility of the new owner to schedule an inspection from the city to determine what is required to meet current codes.

## ***Appendix A Food Establishments Grade Placard***

### **(a) GRADE/SCORE PLACARDS**

- (1) Each food establishment inspection begins with 100 points. As a code enforcement officer/health officer conducts an inspection, the appropriate sub-categories in the Food Establishment Inspection Report of the Texas Department of State Health Services (*Texas Food Establishment Rules 2015*), will be marked. The sub-categories are assigned a specific point value based on the associated public health risk of the violation. Point value is deducted from the 100 points if violations are observed by the officer conducting the inspection. (Refer to the *Texas Food Establishment Rules 2015* for a more detailed explanation of these sections.) An example provided in the table below.

|                             |                |
|-----------------------------|----------------|
| Beginning of the Inspection | 100 points     |
| Total points deducted       | - _____        |
| Remaining points            | Grade or Score |

- (2) A grade placard will be issued to each food establishment with a score of seventy-six to one hundred (76 to 100) at the end of all routine inspections. The placard issued will be based upon the score received on the Retail Food Establishment Inspection Report. The grading is calculated as follows:

[Points:]

| Points:    | Grade: | Description:                                                                                   |
|------------|--------|------------------------------------------------------------------------------------------------|
| 92—<br>100 | A      | Generally superior in food handling practices and overall food facility maintenance.           |
| 91—<br>84  | B      | Generally good in food handling practices and overall food facility maintenance.               |
| 83—<br>76  | C      | Generally acceptable in food handling practices and overall general food facility maintenance. |
| 0—75       | Score  | Poor in food handling practices and overall general food facility maintenance.                 |

- (3) A facility receiving a score of seventy-five (75) or below will be issued a score placard and not a grade placard. The score placard will indicate the actual score received.
- (4) The grade or score placard must remain posted until the next routine inspection, at which time the code enforcement officer/health officer shall post a new grade or score placard to replace the previous document. This replacement placard must be posted as described above.
- (5) All food establishments presenting a substantial hazard to public health may be subject to closure regardless of the score received on the inspection report.
- (6) Any food establishment receiving a score of less than fifty (50) shall constitute a substantial hazard to public health and will be subject closure and revocation of the health permit.

**Sec. 33-54. Owner-Initiated Inspection.**

Within three (3) business days an inspection where graded score is issued, the owner of a food service establishment may apply for an owner-initiated inspection to be performed by the city. Such application shall be accompanied by payment of a fee in the amount specified in the latest fee schedule resolution adopted by the city. Such fee shall be in addition to any re-inspection fees associated with re-inspection necessitated by violations identified during the inspection process. Such owner-initiated inspection shall be conducted within thirty (30) calendars days or the request. After such owner-initiated inspection, the City will issue a new inspection graded score based on the owner-initiated inspection, and such placard shall be posted in accordance with this chapter. At least twelve (12) months must elapse between any owner-initiated inspections for each food establishment.

## Chapter 33 Health Permit

### ARTICLE I. IN GENERAL

The purpose of the Chapter is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly resented. This chapter establishes set standards for management and person, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, and permit revision.

#### Sec. 33-1. State regulations adopted.

- (a) The city adopts by reference the *Texas Food Establishment Rules 2015*. The *Texas Food Establishment Rules 2015* shall be considered incorporated herein by reference for all purposes.
- (b) From and after enactment of this chapter, the *Texas Food Establishment Rules 2015* shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the *Texas Food Establishment Rules* as definitions shall have the meanings and interpretations set forth therein.
- (c) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.
- (d) A copy of the *Texas Food Establishment Rules 2015* shall be on file in the office of the city secretary.

#### Sec. 33-2. Local amendments and definitions.

The *Texas Food Establishment Rules 2015* adopted in section 33-1 are hereby amended as follows:

- (1) The following provisions are added:
  - a. 228.2(153) Code enforcement/health officer - A city "code enforcement officer" or "health officer" shall mean any person in the health office/code enforcement office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.
  - b. 228.2(154) Reconstituted - Food created or prepared by recombining dehydrated food products with water or other liquids.
  - c. 228.2(155) Sanitation - Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, equipment, and alike.
  - d. 228.186(o)(2)(F) - Service Animals - In areas that are not used for food preparation or storage, a food establishment may, at the owner or manager's discretion, or where required by law, allow patrons to bring service animals on the premises. Notices stating where a patron is allowed to bring service animals on the premises shall be posted in all areas where the service animals are to be allowed by the food establishment.

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- (2) The following provisions are adopted in place of the identically numbered provisions in the *Texas Food Establishment Rules 2015*:
- a. 228.2(57) Food establishment - Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, whether for charge or not, as follows:
    - 1. A restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service food market, conveyance used to transport people, institution, or food bank. This includes any establishment where prepackaged TCS food and food products are offered to the ultimate consumer and intended for off premise consumption;
    - 2. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and
    - 3. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority
    - 4. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises regardless if there is a charge for the food.
    - 5. Food establishment does not include
      - a. an establishment that offers only prepackaged foods that are not TCS foods
      - b. a produce stand that only offers whole, uncut fresh fruits and vegetables
      - c. a food processing plant
      - d. a cottage food production operation
      - e. a private home that receives catered or home-delivered food.
  - b. 228.2(59) Food Protection Manager Certification--A document obtained by a person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of food Protection Manager Certification Programs. Food establishments having multiple preparation areas or at such distance that a single individual may not effectively supervise activities in each, must have a person in charge who has a valid food service manager's certification located in each area.
  - c. 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and push carts) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have onsite at least one food employee who possesses a food manager certification.
  - d. 228.2(143) Temporary food establishment - A food establishment that operates a stand or booth for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. A temporary food establishment operating in the City must have onsite at least one food employee who possesses a food manager certification.

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- e. 228.42(a)(2) is amended by changing "closed beverage container" to "screw top lid" and adding a requirement that management designate a specific location to store all approved employee beverage containers.
- (3) Additional definitions. Additionally, the following words, terms and phrases shall have the meanings set forth below except where the context clearly indicates a different meaning:

*Employee.* The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is stationed in a room in which food or drink is prepared or served, including but not limited too the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in the food establishment.

*Food.* The term "food" means (1) articles used for food or drink for human consumption; (2) a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, (3) chewing gum, and (4) components of any such article.

*Hair Restraints.* The term "hair restraints" shall mean a hat, hair covering or net, beard restraint, or clothing that covers body hair and is designed and worn to effectively keep hair from contacted exposed food, equipment, utensils, linens, or single-use and single-service articles. This requirement does not apply to food employees, such as counter staff, who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, whose hair is secured.

*Health officer.* The term "health officer" shall mean any person in the code enforcement/health office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.

*Imminent health hazard.* A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury; including but not limited too a complete rack of refrigeration, sewage back-up into the establishment, or an inspection score less than 50.

*Misbranded-food.* A food shall be deemed misbranded if:

- (i) Its labeling is false or misleading in any particular.
- (ii) It is offered for sale under the name of another food.
- (iii) It is an imitation of another food, unless its label bears the word "imitation" in type of uniform size and prominence and immediately thereafter the name of the food imitated; and except in cases of mixture and compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article if the name is accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. No one administering this chapter may constitute oleomargarine as an imitation of butter.
- (iv) The container is so made, formed, or filled as to be misleading.
- (v) It is in package form without a label containing: (a) the common name of the food, (b) the name and place of business of the manufacturer, packer, or distributor; (c) an accurate statement of the quantity of the content in terms of weight, measure, or numerical count; and (d) the name of the food source for each major food allergen contained in the food unless the food source is already part of the common name.

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- (vi) If any word, statement, or other information required by or under authority of this chapter of state law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
  - (vii) If it purports to be or is represented as food for which a definition and standard of identity has been prescribed by state regulations, unless, (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such foods.
  - (viii) If it purports to be or is represented as: (a) A food for which a standard of quality has been prescribed by state regulations, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (b) A food for which standard or standards of fill of container have been prescribed by state regulations, and it falls below the standard of fill container applicable thereto, unless it labels bears, in such manner and form as such regulations specify, a statement that it falls below such standard.
  - (ix) If it is not subject to the provisions above, unless it bears labeling clearly giving: (a) the common or usual name in the food, if any there be; and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of clause (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state commissioner of health; provided further that the requirements above shall not apply to any bottled carbonated drinks or soft drinks and, provided further, that clause (b) of this subsection shall not apply to any bottled carbonated drinks or soft drinks or the dispensing of carbonated soft drinks in single service cups. Nothing in this chapter shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except insofar as the provisions of the law require to secure freedom of adulteration or misbranding.
  - (x) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the state commissioner of health determines to be, and by regulations prescribed, as necessary in order to inform purchasers as to its value for such uses.
  - (xii) If it bears or contains any artificial flavorings, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the state commissioner of health. The provisions of this subsection and subsections (vii) and (ix) with respect to artificial coloring are not to apply in the case of butter, cheese, and ice cream.

*Nonprofit organization/establishment.* Means an organization whose operations is not conducted or maintained for the purpose of making a profit, and from which its shareholders or trustees do not benefit financially. Nonprofit status must be verified by submission of supporting documentation, such as an IRS form 501c.

*Private water system.* The term "private water system" means a drinking water system that is not connected to a public water system and is not regulated by the Texas Commission on Environmental Quality,

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including private wells. Such systems have additional requirements, including, but not limited to, water sampling and testing every six months. Upon request, proof of testing may be required and documents submitted to the regulatory authority.

*Regulatory authority.* Means the City of Manvel, Texas.

*Temporary food establishment.* Means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

*Restaurant.* The term "restaurant" shall include restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich shop, sandwich stand, soda fountain, hospitals, institutions, private, public and parochial school lunchrooms, private and semi-private clubs, stadium concession stand, and all other food or beverage establishments, as well as other kitchens or other places in which food or drink is prepared for serving or for sale elsewhere.

*State law definitions.* Any term used in this chapter and not specifically defined herein shall have the meaning ascribed to it in the *Texas Food, Drug and Cosmetic Act*, V.T.C.A., Health and Safety Code, Ch. 431.

*Time/Temperature Controlled for Safety (TCS) Food.* A food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation.

*Utensils.* The term "utensil" shall mean and include any kitchenware, tableware, glassware, cutlery, vessels, containers, or other equipment with which food or drink comes in contact during storage, preparation, serving, eating, or drinking.

### **Sec. 33-3. Application of chapter.**

- (a) This chapter shall apply to all areas within the corporate limits of the city.
- (b) Persons or organizations whose food services are regulated and regularly inspected by another federal or state governmental entity are required to comply with this chapter.
- (c) If there is a conflict between a provision of this chapter and another provision of the City Code or state law, the more stringent provision shall apply.

### **Sec. 33-4. Enforcement.**

Except as where may be specifically stated herein, this chapter shall be enforced by the City code enforcement officer/health officer, or such other personnel designated by the city manager.

### **Sec. 33-5. Penalty.**

- (a) All provisions of this chapter shall be applicable to all food establishments, unless otherwise required by law.
- (b) No food establishment shall be operated within the city unless it conforms with the provisions of this chapter.
- (c) Any person or establishment deemed in violation of this chapter may be subject to permit suspension or revocation.
- (d) Any person who intentionally, knowingly, willfully, or with criminal negligence violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$2,000.00. Each day of violation of this chapter shall constitute a separate offense. Prosecution in municipal court shall be in addition to other remedies provided in this chapter, by law, or in equity.

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- (e) A license holder shall ensure that the food establishment is in full compliance with this chapter at all times.
  - (f) The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.
  - (g) All mobile food unit and temporary food establishment vendors must comply with the requirements of the City Code, chapter 35, article IX, as amended from time to time.

**Sec. 33-6. Injunction.**

- (a) If it appears that a person has violated, is violating, or threatens to violate this chapter, the city may institute a civil suit in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation.
- (b) The city may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that:
  - (1) A person is violating or threatening to violate this chapter; and
  - (2) The violation or threatened violation creates an immediate threat to the health and safety of the public.

**Secs. 33-7—33-9. Reserved.**

***ARTICLE II. HEALTH PERMIT***

**Sec. 33-10. Required.**

- (a) Health Permit. No person shall operate a food establishment without possessing a valid health permit issued by the City through the permits department. Such permit be known as a "health permit", a "temporary food establishment health permit", or a "mobile food unit health permit", hereinafter referred to collectively as "permit", "permits", or "health permit". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. All health permits issued by the City remain the property of the City.
- (b) The non-refundable annual fee for a food establishment health permit, other than that issued to a nonprofit organization, daycare, or institution, will be based on the square footage of the establishment.
- (c) Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food establishment, temporary food establishment, and mobile food unit.
- (d) Each and every food establishment, whether under one roof or not, operating separate POS systems, or subletting a location/area from lessee, shall be considered a separate establishment, and a permit must be obtained for each establishment. Each such establishment is subject to the requirements in this chapter.
- (e) Application. All applications must be completely and accurately filled out, and all requirement documentation must be submitted. Any fraudulent information may cause revocation of any and all issued health permits.
  - (1) Any person desiring to obtain a health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Such application shall include the

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applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.

- (2) Any person desiring to obtain a temporary food establishment health permit shall make written application for such permit, at least three (3) days before prior to the beginning of the temporary food establishment operation, on forms provided at the city's permits department or on the city's website. In addition to the information listed in subsection (1) above, such application shall include
- a. The inclusive dates of the proposed operations;
  - b. The name, address and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and
  - c. A statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included.
- (4) Any person desiring to obtain a mobile food unit health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Should an individual or entity own more than one mobile food unit, a health permit must be obtained to each individual mobile food unit. In addition to the information listed in subsection (1) above, such application shall include
- a. the physical address where the mobile food unit is stationed when not in use;
  - b. the business name and address of the central preparation facility or other fixed food service establishment where the potentially hazardous food supplies are obtained;
  - c. the address of the servicing area;
  - d. a description of the mobile food unit which includes the manufacturer's make, model, serial or VIN number, and the vehicle's state registration number.
- (5) A permit holder must notify the City of any changes to the information submitted in an application for the permit, including but not limited to, change of address or telephone number. The notification must be given to the City in writing within ten (10) days of the change.
- (f) The permit department shall issue the appropriate permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter. All temporary food establishments and mobile food unit vendors must comply with the requirements of the City Code, Chapter 35, article IX.

### **Sec. 33-11. Duration.**

Permits shall be issued annually and shall extend from the date of issuance or renewal, until June 30<sup>th</sup> each year. All Health Permits issued by the city expire on June 30<sup>th</sup> each year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

Temporary food establishment health permits shall extend from the first date of service until ten (10) days after the first date of service. All temporary food vendor permit applications must be submitted at least three (3) days before the first event day. Applications received after less than three days before the first event day may be imposed with additional fees.

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Mobile food unit health permits shall be issued annually and shall extend from the date of issuance or renewal, until the first day of the issuance month the following year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

#### **Sec. 33-12. Fees.**

- (a) Before any permit shall be issued under this chapter, the applicant shall pay the applicable fees set forth in the latest fee schedule resolution adopted by the city. All food establishments shall be obligated to pay an annual permit fee as specified in the latest fee schedule resolution adopted by the city.
- (b) The re-inspection fee set forth in the latest fee schedule resolution adopted by the city shall apply in cases where re-inspection is deemed necessary by the City's code enforcement/health officer.
- (c) Health permit renewal applications received after the expiration date of issued permit fee shall include a late fee as set for in the latest fee schedule resolution adopted by the city.

#### **Sec. 33-13. Refunds/~~proration.~~**

Permit fees are not refundable ~~and shall not be prorated.~~

#### **Sec. 33-14. Suspension.**

- (a) The City, without warning, may suspend any health permit to operate a food establishment, temporary food establishment, and/or mobile food unit, if the operation of the establishment does not comply with the requirements of this chapter, the permit holder does not comply with the requirements of this chapter, or if the operation of the establishment otherwise constitutes a substantial health hazard or immediate threat to the health and safety of the public. Suspension is effective upon written notice and issuance, and service operations shall immediately cease.
- (b) Whenever a permit is suspended, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is suspended and inform them of the opportunity for a hearing before the city municipal court. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten (10) days following service of such notice of suspension. If a request for hearing is filed, a hearing shall be scheduled within ten days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the suspension of the permit is sustained. The city's code enforcement/ health officer may end the suspension at any time if reasons for suspension no longer exist.
- (c) Whenever a food service license is suspended, it may be physically removed from the premises by the code enforcement/health officer and retained at the office of the code enforcement/health officer until the suspension has been lifted or modified.
- (d) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the code enforcement/health officer.
- (e) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.
- (f) If the permit holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.
- (g) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the permit

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suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the permit holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalty authorized under this chapter, it may reinstate the permit.

- (h) Whenever the reasons for a suspension no longer exist, the permit holder or the person in charge shall notify the permit department that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required re-inspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three (3) regular working days after the receipt of the request for inspection.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-15. Revocation.**

The city may revoke a permit to operate for a food establishment for serious or repeated violation(s) of any of the requirements of this chapter or for interference with the health official/code enforcement officer in the performance of his/her duties. Prior to revocation, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is subject to revocation, and that the permit shall be revoked at the end of the ten (10) calendar days following service of such notice unless a written request for a hear is filed with the City secretary within ten days following service of such notice of revocation. If a request for hearing is filed, a hearing shall be scheduled within thirty (30) days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-16. Service of notice.**

A notice provided for in this article is properly served when it is delivered to the permit holder or the person in charge of the establishment or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder or when it is delivered by the city in person to the last known address of the permit holder.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-17. Hearings.**

The hearings provided for in this article shall be held in the municipal court and presided over by a municipal court judge. Based upon the recorded evidence of such hearing, the municipal court judge 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 permit holder, and a copy shall be filed with the city secretary.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-18. Application for a new permit after revocation.**

The permit holder that has been revoked must wait 180 days after the final date of the revocation decision before making written application for a new permit.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

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**Secs. 33-19—33-30. Reserved.**

### ***ARTICLE III. INSPECTIONS***

#### **Sec. 33-31. Access.**

Agents of the city, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

#### **Sec. 33-32. Frequency.**

- (a) When an initial health permit is issued, prompted by a new business or commercial change of occupant, an inspection that produces a graded score will be conducted within sixty (60) days of service launch.
- (b) An inspection of a food service establishment should be performed on each food establishment within the city at least every six months, and additional inspections shall be performed as often as necessary for the enforcement of this chapter. Any establishment scoring 75 or below on an inspection will automatically receive a follow-up inspection within ten days. A re-inspection fee must be paid prior to follow up inspection. Failure to pay re-inspection fee or a second score of 75 or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the city shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (c) If a food establishment is being inspected for the first time by the City code enforcement/health officer, the following additional requirements apply:
  - (1) For a food establishment located at permanent premises, a code enforcement/health officer will only conduct an inspection to obtain a food service permit after the food establishment has passed final inspections by the building official and the fire marshal, or their respective designees.
  - (2) A food establishment located at permanent premises may not store any food defined as time/temperature control for safety food (TCS) at the premises until after the code enforcement/health officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the code enforcement/health officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.
- (d) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. The code enforcement/health officer shall post the grade/score placard corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such grade/score placard shall not be defaced or removed by any person except the code enforcement/health officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter/score placard, or removes, defaces, or alters the inspection report or the corresponding letter/score placard, as required shall be deemed guilty of a

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misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

- (e) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the code enforcement/health officer shall immediately suspend the health permit. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-33. Correction of violations.**

The inspection form shall specify a reasonable period of time to correct the violations and such violations must be corrected within the specified period; provided, however, that:

- (1) If an imminent health hazard exists the establishment, including a mobile food unit, shall immediately cease food service operations and operations shall not be resumed until authorized by the city; and
- (2) All violations at temporary food establishments shall result in cessation of temporary food service operations.
- (3) The establishment or mobile food unit shall not resume operations until such time as a re-inspection determines that the condition(s) responsible for the requirement to cease operations no longer exists. The city shall offer to re-inspect the establishment within a reasonable time.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-35. Power Failure.**

- (1) Power failure greater than 30 minutes and less than four hours. If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than 30 minutes but less than four hours, the following steps must be taken:
  - a. The food establishment must be closed during the power failure;
  - b. A log must be kept of the time that the power failure initially occurred, the temperature of the food at that time, and the time and temperature of the TCS food at one hour intervals until the power is restored;
  - c. The regulatory authority must be notified immediately of the power failure greater than 3 hours; and
  - d. Documentation must be provided to the regulatory authority immediately upon request.
- (2) Power failure greater than four hours. (In addition to those above.) If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than four hours, the following steps must be taken:
  - a. All TCS food must be disposed of. Documentation of disposal must be provided to the regulatory authority immediately upon request.

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- b. If required by the City, the food establishment may not re-open until an inspection has been conducted by the regulatory authority.

### **Sec. 33-36. Examination, Detention, and Destruction of Food.**

- (1) The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of this subchapter.
- (2) The regulatory authority shall, upon written notice to the owner or person in charge, specifying the reasons therefor, place any food under detention which it has probable cause to believe is adulterated, misbranded, in violation of this chapter, or a hazard to public health. The City shall tag, label, or otherwise identify any food subject to the detention order. No food subject to a detention order shall be used, served or moved from the establishment. The regulatory authority shall allow storage of the detained food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested and, on the basis of evidence produced at the hearing, the detention order may be vacated or the person in charge of the food may be directed by written order to destroy such food or to bring it into compliance with the provisions of this subchapter.
- (3) Time temperature control for safety foods (TCS). Immediate destruction of TCS food shall be ordered and accomplished if:
  - a. The TCS food is in a container or package that does not bear a date or day, and is not properly labeled to show evidence that the TCS food is less than seven days old; or
  - b. The TCS food is at a temperature of greater than 5° Celsius (41° Fahrenheit) and less than a temperature of 57° Celsius (135° Fahrenheit);
  - c. When using time as a public health control, the TCS food exceeds the time that is four hours past the point in time when the food is removed from temperature control; or
  - d. When the food is deemed a hazard by the Code Enforcement/Health Officer.

## ***ARTICLE IV. CONSTRUCTION, REMODELING AND CONVERSION***

### **Sec. 33-51. Plans.**

- (a) No construction, remodeling, or alteration of a permitted food establishment shall be conducted without any and all required permits.
- (b) Two sets of properly prepared plans and specifications for each construction, remodeling, or alteration of a food establishment shall be submitted to the permit department prior to any on-site construction. The plans must be drawn to scale no smaller than one-eighth inch and shall consist of a plot plan, floor plan, foundation plan, structural plan, plumbing plan, elevation plan, wall section, engineer's scale and survey (if required by applicable law), mechanical and electrical details, and health equipment detail with elevations, any of the City of Manvel standard details that apply, and the city's signature block on the first page.
- (c) All food establishments shall have a minimum of a 500-gallon grease trap/interceptor.

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- (1) Under sink grease traps for all food establishment shall be strictly prohibited. The only exception is for MFU's.
  - (2) Servicing of grease interceptors. Food service establishments must service grease interceptors quarterly. The regulatory authority may require that the food service establishment service the grease interceptors more frequently.
  - (3) Report of service. Each establishment may be required provide the regulatory authority with a copy of the grease interceptors servicing manifest or invoice immediately after the grease interceptor has been serviced. The invoice shall contain the name and address of the food service establishment; the name and address of the licensed waste carrier; the name and address of the licensed disposal site; the signature of the operator of the establishment, the waste carrier and the disposal site; and the quantity and date of grease removal and disposal.
- (d) All food prep areas shall have smooth wall board. Such as FRP (fiberglass reinforced panels.). No rough or porous wall board will be allowed.
- (e) All food establishments, temporary food establishments, and mobile food units shall have only commercially designed equipment. Residentially designed equipment will not be permitted within a commercial food establishment operation.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-52. Other code requirements.**

A building permit shall be required for construction, alteration, remodeling or conversion of a food establishment in accordance with the International Building and Fire Codes and any and all codes adopted by the city. Any construction, alteration, remodeling, or conversion of a food establishment shall comply with all applicable federal and state laws and codes and regulations of the city. To the extent of a conflict between or among the provisions of this chapter and other codes or ordinances of the city, the more restrictive provision shall control.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

### **Sec. 33-53. Ownership of food establishment.**

- (a) When an existing food establishment is purchased and the purchase does not include the property or the structure, but includes the rental or lease of space and/or equipment, the city requires that the person who operates the food establishment obtain a valid food establishment's permit. The person who applies for the food establishment's permit is considered, legally, to be the owner.
- (b) A food establishment permit will become void upon closing of any sale of the establishment. A new owner must submit an application for change of occupancy and an annual food establishment permit within thirty (30) days of finalizing the sale, pass an inspection, and make a payment for the annual food establishment permit prior to operation. All food establishment permits remain the property of the City.
- (c) When a food establishment sublets or rents a space or section of the establishment to a secondary party and that secondary party operated the space conjointly or separately from the first establishment, the secondary party will be considered a separate entity and must obtain a health permit separate from the first establishment.
- (c) The person who is registered on the food establishment's permit is the responsible party for the property, premises, structure and complete operating services. The operator of the food establishment

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is the ultimate responsible party, and the conditions under which the food establishment was leased or rented does not release the operator from the requirements of this article.

- (d) A new owner may continue to operate a food establishment without interruption from the city when the establishment is in complete compliance with this chapter. Total compliance is the basis for issuing the food establishment's permit, which must be obtained prior to opening the establishment for business. An inspection of the premises and operations can demonstrate the extent to which the food establishment is in compliance. Such inspection and issuance of a new permit must be conducted within 30 days of purchase. Upon normal conditions, depending on the condition of the food establishment, many violations can be corrected within such a short period of time that an interruption of food services is unnecessary and not required.
- (d) Depending on the wear and tear (depreciation) on the establishment, the building and equipment may already be close to compliance, and it is the responsibility of the new owner to schedule an inspection from the city to determine what is required to meet current codes.

## ***Appendix A Food Establishments Grade Placard***

### **GRADE/SCORE PLACARDS**

Each food establishment inspection begins with 100 points. As a Code enforcement/health officer conducts an inspection, the appropriate sub-categories in the Food Establishment Inspection Report of the Texas Department of State Health Services (Texas Food Establishment Rules 2015), will be marked. The sub-categories are assigned a specific point value based on the associated public health risk of the violation. Point value is deducted from the 100 points if violations are observed by the officer conducting the inspection. (Refer to the Texas Food Establishment Rules 2015 for a more detailed explanation of these sections.)

|                             |                |
|-----------------------------|----------------|
| Beginning of the Inspection | 100 points     |
| Total points deducted       | - _____        |
| Remaining points            | Grade or Score |

A grade placard will be issued to each food establishment with a score of seventy-six to one hundred (76 to 100) at the end of all routine inspections. The placard issued will be based upon the score received on the Retail Food Establishment Inspection Report. The grading is calculated as follows:

Points:

|            |       |                                                                                                |
|------------|-------|------------------------------------------------------------------------------------------------|
| 92—<br>100 | A     | Generally superior in food handling practices and overall food facility maintenance.           |
| 91—<br>84  | B     | Generally good in food handling practices and overall food facility maintenance.               |
| 83—<br>76  | C     | Generally acceptable in food handling practices and overall general food facility maintenance. |
| 0—75       | Score | Poor in food handling practices and overall general food facility maintenance.                 |

A facility receiving a score of seventy-five (75) or below will be issued a score placard and not a grade placard. The score placard will indicate the actual score received.

The grade or score placard must remain posted until the next routine inspection, at which time the Code enforcement/health officer shall post a new grade or score placard to replace the previous document. This replacement placard must be posted as described above.

- PART II CODE OF ORDINANCES  
Chapter 33 - FOOD AND FOOD HANDLERS  
Appendix A Food Establishments Grade Placard

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All food establishments presenting a substantial hazard to public health may be subject to closure regardless of the score received on the inspection report.

Any food establishment receiving a score of less than fifty (50) shall constitute a substantial hazard to public health and will be subject closure and revocation of the health permit.

**Sec. 33-54. Owner-Initiated Inspection.**

Within three business days an inspection where graded score is issued, the owner of a food service establishment may apply for an owner-initiated inspection to be performed by the City. Such application shall be accompanied by payment of a fee in the amount specified in the latest fee schedule resolution adopted by the City. Such fee shall be in addition to any re-inspection fees associated with re-inspection necessitated by violations identified during the inspection process. Such owner-initiated inspection shall be conducted within thirty (30) calendar days or the request. After such owner-initiated inspection, the City will issue a new inspection graded score based on the owner-initiated inspection, and such placard shall be posted in accordance with this chapter. At least 12 months must elapse between any owner-initiated inspections for each food establishment.

**ORDINANCE NO. 2022-O-17**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY REPEALING THE CURRENT CHAPTER 33 “FOOD AND FOOD HANDLERS” AND ADOPTING A NEW CHAPTER 33 “FOOD AND FOOD HANDLERS” TO REGULATE FOOD ESTABLISHMENTS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

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**WHEREAS**, the City Council of the City of Manvel, Texas, has deemed it in the best interest of the health, safety, and welfare of the citizens of the City to regulate food and food handlers; and

**WHEREAS**, this regulation is integral to maintaining the public health and to support the vision of citizens and City Council of the City of Manvel; and

**WHEREAS**, the City Council finds that the repeal of the current chapter 33 and the adoption of this new chapter 33 is in the best interest of the citizens of Manvel to regulate food establishments; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Manvel is hereby amended by repealing the current Chapter 33 “Food and Food Handlers.”

Section 3. The Code of Ordinances of the City of Manvel is hereby amended by adopting a new Chapter 33 “Food and Food Handlers,” to read and provide as follows:

**“Chapter 33 - FOOD AND FOOD HANDLERS”**

**ARTICLE I. - IN GENERAL**

The purpose of the Chapter is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly resented. This Chapter establishes set standards for management and person, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, and permit revision.

### **Sec. 33-1. Definitions**

Employee shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is stationed in a room in which food or drink is prepared or served, including but not limited to, the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in the food establishment.

Food means (1) articles used for food or drink for human consumption; (2) a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, (3) chewing gum, and (4) components of any such article.

Hair Restraints shall mean a hat, hair covering or net, beard restraint, or clothing that covers body hair and is designed and worn to effectively keep hair from contacted exposed food, equipment, utensils, linens, or single-use and single-service articles. This requirement does not apply to food employees, such as counter staff, who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, whose hair is secured.

Health officer shall mean any person in the code enforcement/health office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.

Imminent health hazard shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury; including but not limited to, a complete rack of refrigeration, sewage back-up into the establishment, or an inspection score less than fifty (50).

Misbranded-food shall mean be deemed misbranded if:

- (i) Its labeling is false or misleading in any particular;
- (ii) It is offered for sale under the name of another food;
- (iii) It is an imitation of another food, unless its label bears the word "imitation" in type of uniform size and prominence and immediately thereafter the name of the food imitated; and except in cases of mixture and compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article if the name is accompanied on the same label or brand with a statement of the place where said

article has been manufactured or produced. No one administering this chapter may constitute oleomargarine as an imitation of butter;

(iv) The container is so made, formed, or filled as to be misleading;

(v) It is in package form without a label containing: (a) the common name of the food, (b) the name and place of business of the manufacturer, packer, or distributor; (c) an accurate statement of the quantity of the content in terms of weight, measure, or numerical count; and (d) the name of the food source for each major food allergen contained in the food unless the food source is already part of the common name;

(vi) If any word, statement, or other information required by or under authority of this chapter of state law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as food for which a definition and standard of identity has been prescribed by state regulations, unless, (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such foods;

(viii) If it purports to be or is represented as: (a) A food for which a standard of quality has been prescribed by state regulations, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (b) A food for which standard or standards of fill of container have been prescribed by state regulations, and it falls below the standard of fill container applicable thereto, unless it labels bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(ix) If it is not subject to the provisions above, unless it bears labeling clearly giving: (a) the common or usual name in the food, if any there be; and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of clause (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state commissioner of health; provided further that the requirements above shall not apply to any bottled carbonated drinks or soft drinks and, provided further, that clause (b) of this subsection shall not apply to any bottled carbonated drinks or soft drinks or the dispensing of carbonated soft drinks in single service cups. Nothing in this chapter shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to

disclose their trade formulas except insofar as the provisions of the law require to secure freedom of adulteration or misbranding;

(x) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the state commissioner of health determines to be, and by regulations prescribed, as necessary in order to inform purchasers as to its value for such uses; or

(xii) If it bears or contains any artificial flavorings, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the state commissioner of health. The provisions of this subsection and subsections (vii) and (ix) with respect to artificial coloring are not to apply in the case of butter, cheese, and ice cream.

Nonprofit organization/establishment shall mean an organization whose operations is not conducted or maintained for the purpose of making a profit, and from which its shareholders or trustees do not benefit financially. Nonprofit status must be verified by submission of supporting documentation, such as an IRS form 501c.

Private water system shall mean a drinking water system that is not connected to a public water system and is not regulated by the Texas Commission on Environmental Quality, including private wells. Such systems have additional requirements, including, but not limited to, water sampling and testing every six months. Upon request, proof of testing may be required and documents submitted to the regulatory authority.

Regulatory authority shall mean the City of Manvel, Texas.

Temporary food establishment shall mean a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Restaurant shall mean restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich shop, sandwich stand, soda fountain, hospitals, institutions, private, public and parochial school lunchrooms, private and semi-private clubs, stadium concession stand, and all other food or beverage establishments, as well as other kitchens or other places in which food or drink is prepared for serving or for sale elsewhere.

State law definitions shall mean any term used in this chapter and not specifically defined herein shall have the meaning ascribed to it in the Texas Food, Drug and Cosmetic Act, V.T.C.A., Health and Safety Code, Ch. 431.

Time/Temperature Controlled for Safety (TCS) Food shall mean a food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation.

Utensils shall mean and include any kitchenware, tableware, glassware, cutlery, vessels, containers, or other equipment with which food or drink comes in contact during storage, preparation, serving, eating, or drinking.

### **Sec 33-2. State regulations adopted.**

- (a) The city adopts by reference the *Texas Food Establishment Rules 2015* The *Texas Food Establishment Rules 2015* shall be considered incorporated herein by reference for all purposes.
- (b) From and after enactment of this chapter, the *Texas Food Establishment Rules 2015* shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the *Texas Food Establishment Rules 2015* as definitions shall have the meanings and interpretations set forth therein.
- (c) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.
- (d) A copy of the *Texas Food Establishment Rules 2015* shall be on file in the office of the city secretary.

### **Sec. 33-3. Local amendments and definitions.**

The *Texas Food Establishment Rules 2015* adopted in section 33-1 are hereby amended as follows:

(1) The following provisions are added:

- a. 228.2(153) Code enforcement/health officer - A city "code enforcement officer" or "health officer" shall mean any person in the health office/code enforcement office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.
- b. 228.2(154) Reconstituted - Food created or prepared by recombining dehydrated food products with water or other liquids.
- c. 228.2(155) Sanitation - Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, ~~and~~ equipment, and alike.
- d. 228.186(o)(2)(F) - Service Animals - In areas that are not used for food preparation or storage, a food establishment may, at the owner or manager's discretion, or where required by law, allow patrons to bring service animals on the premises. Notices stating where a patron is allowed to bring service animals on the premises shall be posted in all areas where the service animals are to be allowed by the food establishment.

(2) The following provisions are adopted in place of the identically numbered provisions in the *Texas Food Establishment Rules 2015*:

- a. 228.2(57) Food establishment - Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, whether for charge or not, as follows:
1. A restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service food market, conveyance used to transport people, institution, or food bank. This includes any establishment where prepackaged Time/Temperature Control for Safety (TCS) food and food products are offered to the ultimate consumer and intended for off premise consumption;
  2. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and
  3. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority.
  4. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises regardless if there is a charge for the food.
  5. Food establishment does not include
    - a. An establishment that offers only prepackaged foods that are not TCS foods;
    - b. A produce stand that only offers whole, uncut fresh fruits and vegetables;
    - c. A food processing plant;
    - d. A cottage food production operation; or
    - e. A private home that receives catered or home-delivered food.
- b. 228.2(59) Food Protection Manager Certification- A document obtained by a person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of food Protection Manager Certification Programs. Food establishments having multiple preparation areas or at such distance that a single individual may not effectively supervise activities in each, must have a person in charge who has a valid food service manager's certification located in each area.
- c. 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but

- not limited to, trailers and food hand cart) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have onsite at least one food employee who possesses a food manager certification.
- d. 228.2(143) Temporary food establishment - A food establishment that operates a stand or booth for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. A temporary food establishment operating in the City must have onsite at least one food employee who possesses a food manager certification.
  - e. 228.42(a)(2) is amended by changing “closed beverage container” to “screw top lid” and adding a requirement that management designate a specific location to store all approved employee beverage containers.

### **Sec. 33-3. Application of chapter.**

- (a) This chapter shall apply to all areas within the corporate limits of the city.
- (b) Persons or organizations whose food services are regulated and regularly inspected by another federal or state governmental entity are required to comply with this chapter.
- (c) If there is a conflict between a provision of this chapter and another provision of the City Code or state law, the more stringent provision shall apply.

### **Sec. 33-4. Enforcement.**

Except as where may be specifically stated herein, this chapter shall be enforced by the City code enforcement officer/health officer, or such other personnel designated by the city manager.

### **Sec. 33-5. Penalty.**

- (a) All provisions of this chapter shall be applicable to all food establishments, unless otherwise required by law.
- (b) No food establishment shall be operated within the city unless it conforms with the provisions of this chapter.
- (c) Any person or establishment deemed in violation of this chapter may be subject to permit suspension or revocation.
- (d) Any person who intentionally, knowingly, willfully, or with criminal negligence violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$2,000.00. Each day of violation of this chapter shall constitute a separate offense. Prosecution in municipal court shall be in addition to other remedies provided in this chapter, by law, or in equity.
- (e) A license holder shall ensure that the food establishment is in full compliance with this chapter at all times.

- (f) The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.
- (g) All mobile food unit and temporary food establishment vendors must comply with the requirements of the City Code, chapter 35, article X, as amended from time to time.

#### **Sec. 33-6. Injunction.**

- (a) If it appears that a person has violated, is violating, or threatens to violate this chapter, the city may institute a civil suit in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation.
- (b) The city may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that:
  - (1) A person is violating or threatening to violate this chapter; and
  - (2) The violation or threatened violation creates an immediate threat to the health and safety of the public.

#### **Secs. 33-7—33-9. Reserved.**

### **ARTICLE II. HEALTH PERMIT**

#### **Sec. 33-10. Required.**

- (a) Health Permit. No person shall operate a food establishment without possessing a valid health permit issued by the City through the permits department. Such permit be known as a "health permit", a "temporary food establishment health permit", or a "mobile food unit health permit", hereinafter referred to collectively as "permit", "permits", or "health permit". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. All health permits issued by the City remain the property of the City.
- (b) The non-refundable annual fee for a food establishment health permit, other than that issued to a nonprofit organization, daycare, or institution, will be based on the square footage of the establishment.
- (c) Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food establishment, temporary food establishment, and mobile food unit.
- (d) Each and every food establishment, whether under one roof or not, operating separate POS systems, or subletting a location/area from lessee, shall be considered a separate establishment, and a permit must be obtained for each establishment. Each such establishment is subject to the requirements in this chapter.
- (e) Application. All applications must be completely and accurately filled out, and all requirement documentation must be submitted. Any fraudulent information may cause revocation of any and all issued health permits.

- (1) Any person desiring to obtain a health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Such application shall include the applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.
- (2) Any person desiring to obtain a temporary food establishment health permit shall make written application for such permit, at least three (3) days before prior to the beginning of the temporary food establishment operation, on forms provided at the city's permits department or on the city's website. In addition to the information listed in subsection (1) above, such application shall include

  - a. The inclusive dates of the proposed operations;
  - b. The name, address, and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and
  - c. A statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included.
- (4) Any person desiring to obtain a mobile food unit health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Should an individual or entity own more than one mobile food unit, a health permit must be obtained to each individual mobile food unit. In addition to the information listed in subsection (1) above, such application shall include

  - a. The physical address where the mobile food unit is stationed when not in use;
  - b. The business name and address of the central preparation facility or other fixed food service establishment where the potentially hazardous food supplies are obtained;
  - c. The address of the servicing area; and
  - d. A description of the mobile food unit which includes the manufacturer's make, model, serial or VIN number, and the vehicle's state registration number.
- (5) A permit holder must notify the City of any changes to the information submitted in an application for the permit, including but not limited to, change of address or telephone number. The notification must be given to the City in writing within ten (10) days of the change.
- (f) The permit department shall issue the appropriate permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter. All temporary food establishments and mobile food unit vendors must comply with the requirements of the City Code, Chapter 35, article X.

### **Sec. 33-11. Duration.**

Permits shall be issued annually and shall extend from the date of issuance or renewal, until June 30<sup>th</sup> each year. All Health Permits issued by the city expire on June 30<sup>th</sup> each year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

Temporary food establishment health permits shall extend from the first date of service until ten (10) days after the first date of service. All temporary food vendor permit applications must be submitted at least three (3) days before the first event day. Applications received after less than three (3) days before the first event day may be imposed with additional fees.

Mobile food unit health permits shall be issued annually and shall extend from the date of issuance or renewal, until the first day of the issuance month the following year. Annual renewal applications must be submitted at least fourteen (14) days prior to the expiration date of the permit.

### **Sec. 33-12. Fees.**

- (a) Before any permit shall be issued under this chapter, the applicant shall pay the applicable fees set forth in the latest fee schedule resolution adopted by the city. All food establishments shall be obligated to pay an annual permit fee as specified in the latest fee schedule resolution adopted by the city.
- (b) The re-inspection fee set forth in the latest fee schedule resolution adopted by the city shall apply in cases where re-inspection is deemed necessary by the City's code enforcement officer/health officer.
- (c) Health permit renewal applications received after the expiration date of issued permit fee shall include a late fee as set for in the latest fee schedule resolution adopted by the city.

### **Sec. 33-13. Refunds.**

Permit fees are not refundable.

### **Sec. 33-14. Suspension.**

- (a) The City, without warning, may suspend any health permit to operate a food establishment, temporary food establishment, and/or mobile food unit, if the operation of the establishment does not comply with the requirements of this chapter, the permit holder does not comply with the requirements of this chapter, or if the operation of the establishment otherwise constitutes a substantial health hazard or immediate threat to the health and safety of the public. Suspension is effective upon written notice and issuance, and service operations shall immediately cease.
- (b) Whenever a permit is suspended, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is suspended and inform them of the opportunity for a hearing before the city municipal court. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten (10) days following service of such notice of suspension. If a

request for hearing is filed, a hearing shall be scheduled within ten days of the City's receipt of such request. If no request for hearing is filed within the ten-day period, the suspension of the permit is sustained. The city's code enforcement officer/ health officer may end the suspension at any time if reasons for suspension no longer exist.

- (c) Whenever a food service license is suspended, it may be physically removed from the premises by the code enforcement officer/health officer and retained at the office of the code enforcement officer/health officer until the suspension has been lifted or modified.
- (d) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the code enforcement officer/health officer.
- (e) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.
- (f) If the permit holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.
- (g) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the permit suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the permit holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalty authorized under this chapter, it may reinstate the permit.
- (h) Whenever the reasons for a suspension no longer exist, the permit holder or the person in charge shall notify the permits department that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required re-inspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three (3) regular working days after the receipt of the request for inspection.

### **Sec. 33-15. Revocation.**

The city may revoke a permit for serious or repeated violation(s) of any of the requirements of this chapter or for interference with the health official/code enforcement officer in the performance of his/her duties. Prior to revocation, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is subject to revocation, and that the permit shall be revoked at the end of the ten (10) calendar days following service of such notice unless a written request for a hearing is filed with the City secretary within ten (10) days following service of such notice of revocation. If a request for hearing is filed, a hearing shall be scheduled within thirty (30) days of the city's receipt of such request. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

#### **Sec. 33-16. Service of notice.**

A notice provided for in this article is properly served when it is delivered to the permit holder or the person in charge of the establishment or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder or when it is delivered by the city in person to the last known address of the permit holder.

#### **Sec. 33-17. Hearings.**

The hearings provided for in this article shall be held in the municipal court and presided over by a municipal court judge. Based upon the recorded evidence of such hearing, the municipal court judge 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 permit holder, and a copy shall be filed with the city secretary.

#### **Sec. 33-18. Application for a new permit after revocation.**

The permit holder that has been revoked must wait 180 days after the final date of the revocation decision before making written application for a new permit.

#### **Secs. 33-19—33-30. Reserved.**

### **ARTICLE III. INSPECTIONS**

#### **Sec. 33-31. Access.**

Agents of the city, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

#### **Sec. 33-32. Frequency.**

- (a) When an initial health permit is issued, prompted by a new business or commercial change of occupant, an inspection that produces a graded score will be conducted within sixty (60) days of service launch.
- (b) An inspection of a food service establishment should be performed on each food establishment within the city at least every six (6) months, and additional inspections shall be performed as often as necessary for the enforcement of this chapter. Any establishment scoring 75 or below on an inspection will automatically receive a follow-up inspection within ten (10) days. A re-inspection fee must be paid prior to follow up inspection. Failure to pay re-inspection fee or a second score of 75 or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon

an order from the city shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

- (c) If a food establishment is being inspected for the first time by the City code enforcement officer/health officer, the following additional requirements apply:

  - (1) For a food establishment located at permanent premises, a code enforcement officer/health officer will only conduct an inspection to obtain a food service permit after the food establishment has passed final inspections by the building official and the fire marshal, or their respective designees.
  - (2) A food establishment located at permanent premises may not store any food defined as time/temperature control for safety food (TCS) at the premises until after the code enforcement officer/health officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the code enforcement officer/health officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.
- (d) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. The code enforcement officer/health officer shall post the grade/score placard corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such grade/score placard shall not be defaced or removed by any person except the code enforcement officer/health officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter/score placard, or removes, defaces, or alters the inspection report or the corresponding letter/score placard, as required shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (e) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the code enforcement officer/health officer shall immediately suspend the health permit. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

### **Sec. 33-33. Correction of violations.**

The inspection form shall specify a reasonable period of time to correct the violations and such violations must be corrected within the specified period; provided, however, that:

- (1) If an imminent health hazard exists the establishment, including a mobile food unit, shall immediately cease food service operations and operations shall not be resumed until authorized by the city; and
- (2) All violations at temporary food establishments shall result in cessation of temporary food service operations.
- (3) The establishment or mobile food unit shall not resume operations until such time as a re-inspection determines that the condition(s) responsible for the requirement to cease operations no longer exists. The city shall offer to re-inspect the establishment within a reasonable time.

### **Sec. 33-35. Power Failure.**

- (1) Power failure greater than thirty (30) minutes and less than four (4) hours. If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than thirty (30) minutes but less than four (4) hours, the following steps must be taken:
  - a. The food establishment must be closed during the power failure;
  - b. A log must be kept of the time that the power failure initially occurred, the temperature of the food at that time, and the time and temperature of the TCS food at one (1) hour intervals until the power is restored;
  - c. The regulatory authority must be notified immediately of the power failure greater than three (3) hours; and
  - d. Documentation must be provided to the regulatory authority immediately upon request.
- (2) Power failure greater than four (4) hours. (In addition to those above in subsection 1) If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than four (4) hours, the following steps must be taken:
  - a. All TCS food must be disposed of. Documentation of disposal must be provided to the regulatory authority immediately upon request.
  - b. If required by the City, the food establishment may not re-open until an inspection has been conducted by the regulatory authority.

### **Sec. 33-36. Examination, Detention, and Destruction of Food.**

- a. The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of this subchapter.
- b. The regulatory authority shall, upon written notice to the owner or person in charge, specifying the reasons therefor, place any food under detention which it has probable cause to believe is adulterated, misbranded, in violation of this chapter, or a hazard to public health. The City shall tag, label, or otherwise identify any food subject to the detention order. No food subject to a detention order shall be used, served or moved from the establishment. The regulatory authority shall allow storage of the detained food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested and, on the basis of evidence produced at the hearing, the detention order may be vacated or the person in charge of the food may be directed by written order to destroy such food or to bring it into compliance with the provisions of this subchapter.
- c. Time temperature control for safety foods (TCS). Immediate destruction of TCS food shall be ordered and accomplished if:
  - a. The TCS food is in a container or package that does not bear a date or day, and is not properly labeled to show evidence that the TCS food is less than seven (7) days old;
  - b. The TCS food is at a temperature of greater than 5 degrees Celsius (41 degrees Fahrenheit) and less than a temperature of 57 degrees Celsius (135 degrees Fahrenheit);
  - c. When using time as a public health control, the TCS food exceeds the time that is four (4) hours past the point in time when the food is removed from temperature control; or
  - d. When the food is deemed a hazard by the code enforcement officer/health officer.

## **ARTICLE IV. CONSTRUCTION, REMODELING AND CONVERSION**

### **Sec. 33-51. Plans.**

- (a) No construction, remodeling, or alteration of a permitted food establishment shall be conducted without any and all required permits.
- (b) One (1) hard copy and an electric copy of properly prepared plans and specifications for each construction, remodeling, or alteration of a food establishment shall be submitted to the permit department prior to any on-site construction. The plans must be drawn to scale no smaller than one-eighth (1/8") inch and shall consist of a plot plan, floor plan, foundation

plan, structural plan, plumbing plan, elevation plan, wall section, engineer's scale and survey (if required by applicable law), mechanical and electrical details, and health equipment detail with elevations, any of the City of Manvel standard details that apply, and the city's signature block on the first page.

(c) All food establishments shall have a minimum of a 500-gallon grease trap/interceptor.

(1) Under sink grease traps for all food establishment shall be strictly prohibited. The only exception is for MFU's.

(2) Servicing of grease interceptors. Food service establishments must service grease interceptors quarterly. The regulatory authority may require that the food service establishment service the grease interceptors more frequently, if deemed necessary.

(3) Report of service. Each establishment may be required to provide the regulatory authority with a copy of the grease interceptors servicing manifest or invoice immediately after the grease interceptor has been serviced. The invoice shall contain the name and address of the food service establishment; the name and address of the licensed waste carrier; the name and address of the licensed disposal site; the signature of the operator of the establishment, the waste carrier and the disposal site; and the quantity and date of grease removal and disposal.

(d) All food prep areas shall have smooth wall board. Such as FRP (fiberglass reinforced panels.). No rough or porous wall board will be allowed.

(e) All food establishments, temporary food establishments, and mobile food units shall have only commercially designed equipment. Residentially designed equipment will not be permitted within a commercial food establishment operation.

### **Sec. 33-52. Other code requirements.**

A building permit shall be required for construction, alteration, remodeling or conversion of a food establishment in accordance with the International Building and Fire Codes and any and all codes adopted by the city. Any construction, alteration, remodeling, or conversion of a food establishment shall comply with all applicable federal and state laws and codes and regulations of the city. To the extent of a conflict between or among the provisions of this chapter and other codes or ordinances of the city, the more restrictive provision shall control.

### **Sec. 33-53. Ownership of food establishment.**

(a) When an existing food establishment is purchased and the purchase does not include the property or the structure, but includes the rental or lease of space and/or equipment, the city requires that the person who operates the food establishment obtain a valid food establishment's permit. The person who applies for the food establishment's permit is considered, legally, to be the owner.

(b) A food establishment permit will become void upon closing of any sale of the establishment. A new owner must submit an application for change of occupancy and an

annual food establishment permit within thirty (30) days of finalizing the sale, pass an inspection, and make a payment for the annual food establishment permit prior to operation. All food establishment permits remain the property of the city.

- (c) When a food establishment sublets or rents a space or section of the establishment to a secondary party and that secondary party operated the space conjointly or separately from the first establishment, the secondary party will be considered a separate entity and must obtain a health permit separate from the first establishment.
- (c) The person who is registered on the food establishment's permit is the responsible party for the property, premises, structure and complete operating services. The operator of the food establishment is the ultimate responsible party, and the conditions under which the food establishment was leased or rented does not release the operator from the requirements of this article.
- (d) A new owner may continue to operate a food establishment without interruption from the city when the establishment is in complete compliance with this chapter. Total compliance is the basis for issuing the food establishment's permit, which must be obtained prior to opening the establishment for business. An inspection of the premises and operations can demonstrate the extent to which the food establishment is in compliance. Such inspection and issuance of a new permit must be conducted within 30 days of purchase. Upon normal conditions, depending on the condition of the food establishment, many violations can be corrected within such a short period of time that an interruption of food services is unnecessary and not required.
- (d) Depending on the wear and tear (depreciation) on the establishment, the building and equipment may already be close to compliance, and it is the responsibility of the new owner to schedule an inspection from the city to determine what is required to meet current codes.

## **Appendix A Food Establishments Grade Placard**

### **(a) GRADE/SCORE PLACARDS**

- (1) Each food establishment inspection begins with 100 points. As a code enforcement officer/health officer conducts an inspection, the appropriate sub-categories in the Food Establishment Inspection Report of the Texas Department of State Health Services (*Texas Food Establishment Rules 2015*), will be marked. The sub-categories are assigned a specific point value based on the associated public health risk of the violation. Point value is deducted from the 100 points if violations are observed by the officer conducting the inspection. (Refer to the *Texas Food Establishment Rules 2015* for a more detailed explanation of these sections.) An example provided in the table below.

|                                    |                   |
|------------------------------------|-------------------|
| <u>Beginning of the Inspection</u> | <u>100 points</u> |
| <u>Total points deducted</u>       | <u>_____</u>      |

|                         |                       |
|-------------------------|-----------------------|
| <u>Remaining points</u> | <u>Grade or Score</u> |
|-------------------------|-----------------------|

- (2) A grade placard will be issued to each food establishment with a score of seventy-six to one hundred (76 to 100) at the end of all routine inspections. The placard issued will be based upon the score received on the Retail Food Establishment Inspection Report. The grading is calculated as follows:

| Points:    | Grade: | Description:                                                                                   |
|------------|--------|------------------------------------------------------------------------------------------------|
| 92—<br>100 | A      | Generally superior in food handling practices and overall food facility maintenance.           |
| 91—<br>84  | B      | Generally good in food handling practices and overall food facility maintenance.               |
| 83—<br>76  | C      | Generally acceptable in food handling practices and overall general food facility maintenance. |
| 0—75       | Score  | Poor in food handling practices and overall general food facility maintenance.                 |

- (3) A facility receiving a score of seventy-five (75) or below will be issued a score placard and not a grade placard. The score placard will indicate the actual score received.
- (4) The grade or score placard must remain posted until the next routine inspection, at which time the code enforcement officer/health officer shall post a new grade or score placard to replace the previous document. This replacement placard must be posted as described above.
- (5) All food establishments presenting a substantial hazard to public health may be subject to closure regardless of the score received on the inspection report.
- (6) Any food establishment receiving a score of less than fifty (50) shall constitute a substantial hazard to public health and will be subject closure and revocation of the health permit.

### **Sec. 33-54. Owner-Initiated Inspection.**

Within three (3) business days an inspection where graded score is issued, the owner of a food service establishment may apply for an owner-initiated inspection to be performed by the city. Such application shall be accompanied by payment of a fee in the amount specified in the latest fee schedule resolution adopted by the city. Such fee shall be in addition to any re-inspection

fees associated with re-inspection necessitated by violations identified during the inspection process. Such owner-initiated inspection shall be conducted within thirty (30) calendars days or the request. After such owner-initiated inspection, the City will issue a new inspection graded score based on the owner-initiated inspection, and such placard shall be posted in accordance with this chapter. At least twelve (12) months must elapse between any owner-initiated inspections for each food establishment. “

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of  
\_\_\_\_\_, 2022.

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Debra Davison, Mayor

ATTEST:

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Tammy Bell, City Secretary

APPROVED AS TO FORM:

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Robert Gervais, City Attorney

**ORDINANCE NO. 2022-O-20**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ARTICLE V OF CHAPTER 26. *ENVIRONMENT*, BY AMENDING THE DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council deems it in the best interest of the City of Manvel to amend the Drought Contingency Plan in Article V of the City Code, Chapter 26; **now, therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

**Section 1.** Article V of Chapter 26. *Environment* of **The Code of Ordinances of the City of Manvel** is hereby amended to read and provide as follows:

**“CHAPTER 26. ENVIRONMENT**

**. . .**

**ARTICLE V. - DROUGHT CONTINGENCY PLAN**

Sec. 26-101. - Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts these regulations and restrictions on the delivery and consumption of water.

Sec. 26-102. - Regulations.

Water uses regulated or prohibited under this drought contingency plan, hereafter referred to as the "plan," are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined herein.

Sec. 26-103. - Authorization.

The city manager [~~director of public works,~~] or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager [~~director of public works~~] or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Sec. 26-104. - Application.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer," as used in the plan, include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 26-105. - Definitions.

For the purposes of this plan, the following definitions shall apply:

*Aesthetic water use* shall mean water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

*Commercial and institutional water use* shall mean water use that is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

*Conservation* shall mean those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

*Customer* shall mean any person, company, or organization using water supplied by the city.

*Domestic water use* shall mean water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

*Even number address* shall mean street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

*Industrial water use* shall mean the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

*Landscape irrigation use* shall mean water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

*Nonessential water use* shall mean water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

(1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

(3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

*Odd numbered address* shall mean street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

*Waste of water or water wasting* shall mean the application of water, provided through the city's potable water system, to soil or to the ground, at a rate of flow that, or in quantity that, exceeds the rate of the water's absorption into the ground. The standing of water on the ground,

or the running of water over the ground into a ditch or into gutter or other means of drainage, whether natural or manmade, shall be prima facie evidence that water has been applied at an excessive rate of flow and/or in an excessive quantity; provided, however, the following shall not constitute water wasting:

(1) Inadvertent and incidental splashing or spilling of water during water applications; or

(2) Leakage of water due to plumbing or piping disruptions or breaks, when such disruptions or breaks are promptly repaired or such repairs are promptly undertaken and diligently pursued until completion.

*Water production capacity* shall mean the sum of the design pumping capacities of groundwater wells connected to the city water system.

Sec. 26-106. - Criteria for initiation and termination of drought response stages.

(a) The city manager [~~director of public works~~] or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

(b) The triggering criteria described below are based on known system design conditions and performance capabilities.

(1) Stage 1 Trigger - MILD Water Shortage Conditions.

a. Requirement for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined under Stage 1 in

section 26-109 hereof, when total daily water demand equals or exceeds 60 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 1 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days.

(2) Stage 2 Trigger - MODERATE Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 2 in section 26-109 hereof, when total daily water demand equals or exceeds 70 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 2 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) Stage 3 Trigger - SEVERE Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 3 in section 26-109 hereof, when total daily water demand equals or exceeds 80 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 3 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) Stage 4 Triggers - CRITICAL Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 4 in section 26-109 hereof, when total daily water demand equals or exceeds 90 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 4 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(5) Stage 5 Triggers - EMERGENCY Water Shortage Conditions.

a. Requirements for initiation. Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when city manager [~~director of public works~~], or his/her designee, determines that a water supply emergency exists if any of the following triggers exist:

1. Total daily water demand equals or exceeds 95 percent of the city's water production capacity for three consecutive days.

2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

3. Water supply source(s) are contaminated.

b. Requirements for termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 5, Stage 4 becomes operative.

Sec. 26-107. - Wasting water; vegetative watering.

It shall be unlawful for any person to cause, allow, or otherwise permit water wasting when applying water to grounds, lawns, plants, trees, shrubs, bushes, or other vegetative matter, or when applying water for any landscaping or agricultural purpose of any kind.

Sec. 26-108. - Notices.

(a) Upon the determination that a Stage 2 or higher water condition exists, the city shall provide for notification to each customer of such condition, as applicable, of all water use restrictions then in effect, and of the penalties for failure to comply with the imposed restrictions. Such notice shall be given to each customer within the city by publication in the city's official newspaper. Additional means of notification may be employed at the discretion of the city council and/or the city manager.

(b) At such time that the water supply system has been restored to below a Stage 2 condition the city shall provide notice of the termination of the condition either through available media sources or through written notice in the manner provided above.

Sec. 26-109. - Drought response stages.

The city manager [~~director of public works~~] or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 26-106 of this plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

(1) Stage 1 Response - MILD Water Shortage Conditions.

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the city manager ~~[director of public works]~~ or his/her designee ~~[designate[d] representative]~~.

Voluntary water use restrictions:

a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

b. All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.

c. Water customers are requested to practice water conservation and to minimize or discontinue nonessential water use.

(2) Stage 2 Response - MODERATE Water Shortage Conditions.

Goal: Achieve a 20 percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the city manager ~~[director of public works]~~ or ~~[designate]~~ designee and will adhere to the Stage 2 response water use restrictions defined below.

Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

g. All restaurants are prohibited from serving water to patrons except upon request of the patron.

h. All nonessential water use as defined in section 26-105 hereof is prohibited.

(3) Stage 3 Response — SEVERE Water Shortage Conditions.

Goal: Achieve a 30 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 3 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. ~~b.~~ The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

d. ~~c.~~ The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(4) Stage 4 Response - CRITICAL Water Shortage Conditions.

Goal: Achieve a 40 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 4 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(5) Stage 5 Response - EMERGENCY Water Shortage Conditions.

Goal: Achieve a 50 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 5 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5, except that:

- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Provision of alternative water supplies. In the event of source contamination or failure, at the discretion of city manager [~~director of public works~~], or his/her designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater well(s), or hook-up to another public or private water supplier.

Sec. 26-110. - Penalties for violation of this article.

(a) Criminal penalties. Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

(b) Discontinuance of water service for failure to comply.

(1) First notice. The city shall provide written notice, by hand delivery, to each customer deemed to be in violation hereof, by affixing such written notification to the front door or main entrance of the place of violation.

(2) Second notice. In the event a customer commits violations of this article on two separate occasions during any single serious water condition or emergency water condition, service to such customer shall be discontinued following written notice thereof to such customer by registered or certified mail, return receipt requested.

(3) Reconnection. No service which has been disconnected pursuant to this section shall be restored until such violation is discontinued, payment has been made to the city of a \$100.00 reconnection fee, and the violator has reimbursed the city for any and all costs incurred by the city, including reasonable attorney's fees, in the enforcement of this article.

(4) [Liability.] The liabilities of a customer under this subsection for reconnection fees and costs shall be in addition to and cumulative of any and all other criminal penalties for which such customer may otherwise be liable hereunder, and to any other remedy available to the city, whether at law or in equity.

#### Sec. 26-111. - Adoption of water conservation and emergency management plan.

There is hereby adopted for the city a "water conservation and emergency management plan," dated October, 1998, a true and correct copy of which is filed and maintained in the office of the city secretary.

#### Sec. 26-112. - Variances.

The city manager [~~director of public works~~], or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(3) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by city manager [~~director of public works~~], or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.

g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

h. Other pertinent information.

(4) Variances granted by the city shall be subject to the following conditions, unless waived or modified by city manager [~~director of public works~~] or his/her designee:

a. Variances granted shall include a timetable for compliance.

b. Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(5) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Sec. 26-113. - Coordination with regional water planning groups.

The service area of the City of Manvel is located within the Region H Water Planning Group and the City of Manvel has provided a copy of this plan to the Region H Water Planning Group.

Sec. 26-114. - Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the City of Manvel by means of scheduling and providing public notice of a public meeting to accept input on the plan. Public input on the plan was addressed in preparing the plan.

Sec. 26-115. - Exceptions.

In the event any clause phrase, provision, sentence, or part of this article or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this article as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Sec. 26-116. - Additional provisions.

The City of Manvel Water Conservation Plan, a true and correct copy of which is incorporated herein by this reference for all purposes, is hereby adopted by the city as its water conservation plan.

The city secretary is hereby directed to maintain copies of the City of Manvel Water Conservation Plan and related documents and make them available upon request, for a reasonable fee, to any individual who requests one.

Secs. 26-117—26-129. - Reserved.”

**Section 2.**     **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 3.**     **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other

than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$500.00; provided however that for any violation governing public health and sanitation, the fine may not exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of  
\_\_\_\_\_, 2022.

\_\_\_\_\_  
Debra Davison, Mayor

Attest:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

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Robert Gervais, City Attorney

# CITY OF MANVEL DROUGHT CONTINGENCY PLAN

| Stage | Condition | Trigger* | Requirement | Reduction Goal | City Main Flushing | Irrigation**                         | Hand-held hose,<br>bucket, or drip | Automatic Sprinklers | Hose-End Sprinklers  | Commercial<br>Car Wash        | Vehicle Wash<br>at Home |
|-------|-----------|----------|-------------|----------------|--------------------|--------------------------------------|------------------------------------|----------------------|----------------------|-------------------------------|-------------------------|
| 1     | Mild      | 60%      | Voluntary   | 10%            | Reduced            | Midnight - 10 AM;<br>8 PM - Midnight | Allowed Anytime                    | Voluntary, Limited** | Voluntary, Limited** |                               |                         |
| 2     | Moderate  | 70%      | Mandatory   | 20%            | Reduced            | Midnight - 10 AM;<br>8 PM - Midnight | Allowed Anytime                    | Limited**            | Limited**            |                               | Limited**               |
| 3     | Severe    | 80%      | Mandatory   | 30%            | Eliminated         | Midnight - 10 AM;<br>8 PM - Midnight | Limited**                          | Limited**            | Prohibited           |                               | Limited**               |
| 4     | Critical  | 90%      | Mandatory   | 40%            | Eliminated         | 6 AM - 10 AM;<br>8 PM - Midnight     | Limited**                          | Prohibited           | Prohibited           | 6 AM - 10 AM;<br>6 PM - 10 PM | Prohibited              |
| 5     | Emergency | 95%      | Mandatory   | 50%            | Eliminated         | Prohibited                           | Prohibited                         | Prohibited           | Prohibited           | Prohibited                    | Prohibited              |

\* When Total Daily Water Demand equals or exceeds the trigger for three (3) consecutive days.

\*\* Even Addresses on Sundays and Thursdays; Odd Addresses on Saturdays and Wednesdays.

**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Gilbert Salas](#); [Jessica Rodriguez](#)  
**Subject:** Manvel Town Center - Kirby Drive Extension  
**Date:** Tuesday, June 14, 2022 5:11:59 PM  
**Attachments:** [image003.png](#)

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Kyle and Tammy,

-  
In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

- **Manvel Town Center - Kirby Drive Extension**

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

**Daniel S. Johnson, P.E., CFM**

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**From:** [Dan Johnson](#)  
**To:** [Tammy Bell](#); [Kyle Jung](#)  
**Cc:** [Gilbert Salas](#); [Jessica Rodriguez](#)  
**Subject:** Meridiana Section 50  
**Date:** Wednesday, June 15, 2022 5:26:10 PM  
**Attachments:** [image002.png](#)

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Kyle and Tammy,

-  
In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

- **Meridiana Section 50**

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

**Daniel S. Johnson, P.E., CFM**

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)





# MANVEL CITY COUNCIL DATA SHEET

**MEETING DATE: June 20, 2022**

**TOPIC:** Consideration and possible action to approve Resolution 2022-R-08, the City's "Fee Schedule", changing the Certificate of Occupancy fee, by adding existing PUD fees, adding a plat re-submittal fee, adding residential and commercial (non-TXDOT) driveway permit fees, rewording the "fill dirt" permit to "development permit", adding and changing the existing coin operated machine tax fee, changing and reorganizing the health inspection/permits, adding an annual rental permit fee, changing the Permit Department's credit card convenience fee, and updating the fire safety and prevention fees in Exhibit B.

**BACKGROUND:** City staff are proposing changes to the City's Fee Schedule to update fees, capture fees that have never been included in the Fee Schedule, and reorganize certain permit fees.

1) Certificate of Occupancy Fee – the existing fee is \$100.00. The proposed change is to \$150.00. The CO Fee at \$150.00 would be on par with neighboring cities such as Pearland and Missouri City which charge \$150.00 and \$180.00, respectively.

2) Planned Unit Development (PUD) Fee – the fee for a PUD has existed since 2009 and adopted by Ordinance No. 2009-O-07, but has never been captured in the Fee Schedule. Staff has added the fees to the Fee Schedule as it exists in the adopted ordinance.

3) Plat Extension – this is a no fee item, however, City staff wanted to provide clarification that an extension is only six months. Also, this application can be requested for a final plat as well as a preliminary plat. No fee is being proposed.

4) Plat Re-Submittal Fee – currently there is no charge to resubmit a plat for review after it has not been approved by PD&Z. In most cases, there are numerous plat comments to clear and months since the initial plat review. Staff has to take additional time to review these plats and it is reviewed in a compressed time of 15 days (per State law). Staff is proposing a \$200.00 fee. Pearland charges a \$200.00 fee for the same process as proposed by staff.

5) Driveway Permit Fee – the existing Fee Schedule only acknowledged commercial properties located on TXDOT roads with a \$500.00 fee. Since the City's Design Criteria Manual (DCM) requires a permit for both residential and commercial developments, a fee has been added for \$100.00 for a residential driveway permit and \$150.00 for a commercial driveway permit. The commercial driveway permit for a TXDOT road remains the same at \$500.00.

6) Development Permit Fee (Fill Dirt Permit) – the name of the permit has changed from "Fill Dirt" to "Development Permit". The fees are not changing with this proposed Fee Schedule.

7) Coin Operated Machine Tax Fee – there is an existing fee of \$15.00 per machine, but the fee was never reflected in the Fee Schedule. City staff is proposing to add it into the Fee Schedule and increase the cost from \$15.00 to \$50.00 per machine. Other cities in the Houston area charge \$50.00 (Angleton) to \$115.00 (Texas City) per machine, and the Texas Administrative Code charges \$60.00 per machine. The fee increase to \$50.00 puts the City on par with the State and other Houston area cities.

8) Health Inspection/Permit Fees – these fees were previously housed in Exhibit B of the Fee Schedule. The fees have been removed from Exhibit B and housed in the main document so as to not interfere with Fire Protection and Safety Fees. The Food Establishment fee structure has changed. The previous fee structure distinguished between building square footage over and under 1,000 square feet. The proposed Food Establishment fee is broken into three categories based on square footage with small (less than 1,000 sf.), medium (1,001 to 10,000 sf.), and large (over 10,000 sf.). Buildings 1,000 sf. or less the fee has remained the same. Buildings with 1,000 sf. or more has increased from \$300.00 to \$400.00. A new fee for buildings over 10,000 sf. has been added and proposed at \$600.00. This fee structure and proposed fees with small, medium, and large food establishments is adopted by surrounding cities such as Pearland, Missouri City, and Sugar Land. Staff has also broken out non-profits and group residences from the general Food Establishment permit. This is meant to be a lesser fee compared to a food establishment (*i.e.*, restaurant). Day Care Centers have also been reorganized to just a standard fee instead of by ‘serving food’ and ‘sanitation only’. A permit is nonetheless required for a Child Care Center so it is simplified with one application. The fee for a Child Care Center has remained the same. Fees were added for Temporary Food Establishment and Owner Initiated Inspection to acknowledge amendments made in Chapter 33 and adopted in Ordinance No. 2022-O-17. The Temporary Food Establishment fee is proposed at \$50.00, and the Owner Initiated Inspection fee is proposed at \$150.00. The Owner Initiated Inspection fee is the same as the current Re-Inspection fee. Lastly, an Ownership Change for a Food Establishment fee was added based upon the fees established for small, medium, large, non-profits, day care centers, and group residences. Based upon a recommendation made by City Council, these fees have been prorated based on the beginning of the year and half year permits when a change in ownership occurs.

9) Annual Rental Permit Fee – rentals in the City must submit an annual permit which is processed by the Permits Department and inspected by the Fire Marshal. Currently, there is no fee to approve the annual rental permits. A typical annual rental permit submittal garners 150 to 200 applications. The application processing work takes days to complete. Since the City does not charge a fee, the tax payers are essentially paying for the work performed in Permits for the rental units. City Staff is proposing a \$50.00 fee per unit.

10) Permits Department Credit Card Convenience Fee – the City has recently upgraded the MyGov Software. With this upgrade, new credit card terminals were needed. The new credit card terminals only charge a 3.0% convenience fee rather than 3.5% before the upgrade. The correction is being proposed to accurately reflect this fee.

11) Exhibit B, Fire Safety and Prevention – see attached report from the Fire Marshal’s Office.

**RECOMMENDATION:** Staff recommends approval of Resolution 2022-R-08 as proposed in the Fee Schedule and Exhibit B.

**ATTACHMENTS:** 1) City of Manvel Fee Schedule (dated June 20, 2022) Redline, 2) City of Manvel Fee Schedule (dated June 20, 2022) Draft, 3) Fire Safety and Prevention Exhibit B Draft, 4) Fire Safety and Prevention Exhibit B Redline, 5) Manvel Fire Marshal’s Office Proposed Fees Draft, and 6) Manvel Fire Marshal’s Office Fee Schedule Changes Comments.

**FUNDING ISSUES**

- ☒ Not applicable  
☐ Not budgeted  
☐ Full amount already budgeted  
☐ Funds to be transferred from Acct.#

**SUBMITTING STAFF MEMBER**  
Jessica Rodriguez

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_

## CITY OF MANVEL FEE SCHEDULE JUNE 20, 2022

### ZONING

|                                              |                               |
|----------------------------------------------|-------------------------------|
| OCCUPANCY PERMITS, NON-RESIDENTIAL           |                               |
| CHANGE OF USE / TENANCY                      | \$150.00                      |
| REGISTRATION FOR NEWLY ANNEXED BUSINESSES    | \$0                           |
| TEMPORARY BUSINESS PERMITS                   | \$50.00                       |
| INTERPRETATION FROM ZONING OFFICIAL          | \$50.00                       |
| RE-ZONING APPLICATION                        | \$1,800.00                    |
| SPECIFIC USE PERMIT FEE                      | \$1,500.00                    |
| APPEAL TO THE ZONING BOARD OF ADJUSTMENTS    | \$750.00                      |
| PLANNED UNIT DEVELOPMENT (PUD)               |                               |
| PUBLIC NOTICE FEE                            | \$150.00                      |
| SMALL PUD                                    | \$4,000.00                    |
| MEDIUM PUD                                   | \$4,000.00 plus \$40.00/acre  |
| LARGE PUD (LESS THAN 1,000 ACRES OR GREATER) | \$10,000.00 plus \$30.00/acre |
| LARGE PUD (GREATER THAN 1,000 ACRES)         | \$20,000.00 plus \$20.00/acre |
| PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT     | \$500.00                      |

### CITY PLANNING

|                                                  |               |                                                    |
|--------------------------------------------------|---------------|----------------------------------------------------|
| PRELIMINARY PLAT                                 | \$750.00      |                                                    |
|                                                  |               | + \$10/lot and \$15/acre or fraction in reserves   |
| FINAL PLAT                                       | \$750.00      |                                                    |
|                                                  |               | + \$25 / LOT and \$15/acre or fraction in reserves |
| MASTER PLAN                                      |               |                                                    |
| 50 ACRES TO 100 ACRES                            | \$1,000.00    |                                                    |
| 101 ACRES OR MORE                                | \$2,000.00    |                                                    |
| REPLATTING CHARGES WHEN A PUBLIC HEARING IS HELD |               |                                                    |
| WITH NOTIFICATION                                |               |                                                    |
| Advertising Fee                                  | \$75.00       |                                                    |
| Per Mailing Notification Fee                     | \$1.00        |                                                    |
| WITHOUT NOTIFICATION                             | \$75.00       |                                                    |
| DEVELOPMENT PLAT                                 | \$750.00      | PLUS \$15/ACRE                                     |
| MINOR PLAT OR AMENDING PLAT                      | \$500.00      |                                                    |
| PLAT EXTENSION (6 MONTHS)                        | NO CHARGE     |                                                    |
| RECORDING FEES WITH BRAZORIA COUNTY              |               |                                                    |
| - ACTUAL COST OF RECORDING, PLUS                 | \$30.00       |                                                    |
| PLAT RE-SUBMITTAL                                | \$200.00 each |                                                    |
| VARIANCE TO THE SUBDIVISION ORDINANCE            | \$500.00      |                                                    |
| VARIANCE TO THE DESIGN CRITERIA MANUAL           | \$200.00      |                                                    |

# **ENGINEERING**

PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.  
 \$500.00 base plus \$50.00 per document page larger than legal size sheets  
 RESUBMITTALS FOR PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS  
 (After second submittal) \$250.00 base plus \$10.00 per document page  
  
 PLAN REVIEW FOR BINDERS (every ten (10) sheets equal 1 document page)  
 \$500.00 base plus \$5.00 per legal size or smaller sheets  
  
 CIVIL SITE IMPROVEMENTS, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.  
 \$1,000.00 flat fee for projects up to and including \$100,000.00.  
 Over \$100,000.00- \$1,000.00 plus \$8.00 for each thousand over \$100,000.00  
  
 RE-CHECK FEE or VERIFICATION OF CORRECTIONS \$250.00

# **ENVIRONMENTAL HEALTH**

Onsite Septic System permits  
 Residential \$250.00  
 Commercial \$410.00  
 On site evaluation \$50.00  
 (This will be an inspection to make sure a septic system is working properly)

# **BUILDING DEPARTMENT - ALL PERMITS EXPIRE AT 180 DAYS UNLESS NOTED OTHERWISE**

## **CONSTRUCTION PERMITS RESIDENTIAL AND COMMERCIAL**

Minimum permit fee \$50.00  
 Commercial Construction Permit Application Fee (values greater than \$10,000) \$50.00  
 \$15.00 for the first \$1,000.00 of construction value plus;  
 \$5.00 per thousand, up to and including \$50,000.00  
 \$260 for the first \$50,000.00 plus \$4 per additional thousand  
 \$460 for the first \$100,000.00 plus \$3 per additional thousand  
 \$1,660 for the first \$500,000.00 plus \$2 per additional thousand  
  
 Residential Construction Permit Application Fee \$0.40/sq. ft.  
  
**\$70.00** FOR DETACHED GARAGES OR NATIONALLY RECOGNIZED COST ESTIMATING BOOK  
  
 PLAN REVIEW FEE ½ OF THE BUILDING PERMIT FEE  
  
 RESIDENTIAL STREAMLINE PERMITS FEE FOR ELECTRICAL, PLUMBING AND HVAC; FEE  
 WILL BE A MINIMUM OF 25 % OF THE BUILDING PERMIT FEE FOR EACH CATEGORY  
  
 REVIEW FOR ELEVATION CERTIFICATES INCLUDED IN NEW CONSTRUCTION PERMIT (3  
 TOTAL (at start, at pre-pour and final) PER CERTIFICATE \$50.00  
  
 REVIEW FOR ELEVATION CERTIFICATES NOT INCLUDED IN NEW CONSTRUCTION  
 PER CERTIFICATE \$65.00  
  
 MANUFACTURED AND MODULER HOMES \$0.30/sq. ft.

**IMPACT FEES: (2021-R-26)**

| Meter Size | Meter Type   | Service Unit Equivalent | Impact Fees |            |           |
|------------|--------------|-------------------------|-------------|------------|-----------|
|            |              |                         | Water       | Wastewater | Total     |
| 3/4"       | Displacement | 1.0                     | \$2,441     | \$7,107    | \$9,548   |
| 1"         | Displacement | 1.6                     | \$3,906     | \$11,371   | \$15,277  |
| 1-1/2"     | Turbine      | 4.0                     | \$9,766     | \$28,428   | \$38,194  |
| 2"         | Turbine      | 6.4                     | \$15,625    | \$45,484   | \$61,109  |
| 3"         | Displacement | 12.8                    | \$31,251    | \$90,969   | \$122,220 |
| 4"         | Displacement | 20.0                    | \$48,830    | \$142,140  | \$190,970 |
| 6"         | Displacement | 40.0                    | \$97,660    | \$284,280  | \$381,940 |
| 8"         | Displacement | 64.0                    | \$156,256   | \$454,848  | \$611,104 |
| 10"        | Displacement | 92.0                    | \$224,618   | \$653,844  | \$878,462 |

**\*\*CARPORTS** (see below), POLE BARNs, SHEDs, ELEVATED DECKs 30" OR HIGHER, ETC...  
 (NON-LIVING AREAS OVER 200 SQ FEET – OUTSIDE THE FLOOD ZONE )  
**(\*\*CARPORTS – metal pre-fab structure, open on all four sides, 400 sq. feet or less over parking area, does NOT require a permit)**

MINIMUM \$50.00  
 Plus Plan Review (if required)

**ADDITIONALLY, CARPORTS (DETACHED) OF AREA LESS THAN 600 SQUARE FEET ARE STILL REQUIRED TO BE PERMITTED, BUT ARE EXEMPT FROM THE PAYMENT OF THE PERMIT FEE, WITH THE FOLLOWING CONDITIONS: (SEE ORDINANCE 2016-O-05)**

*1) Less than 600 square feet in area; 2) Enclosed on no more than 2 sides; 3) Unfinished on the interior; 4) No utilities connected to the structure; 5) Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas); 6) Must be detached from residential structure; 7) Must be firmly anchored to prevent floatation, collapse, and lateral movement; 8) Must abide by the same setbacks as required by zoning on the property; 9) No elevation certificate is required; and 10) A site drawing (can be hand drawn) is required to show where the structure will be located.*

FEE No Cost

ELECTRICAL AND PLUMBING PERMITS PULLED SEPARATELY, THE BASE FEE IS APPLIED, PLUS ANY ADDITIONAL COST ITEMS LISTED ON THE APPLICATION.

|                                                                 |          |                                    |          |
|-----------------------------------------------------------------|----------|------------------------------------|----------|
| PLUMBING PERMITS                                                | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| ELECTRICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| MECHANICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| RENEWAL BUILDING PERMITS                                        |          | RESIDENTIAL INDIVIDUAL PERMIT      | \$150.00 |
|                                                                 |          | NEW HOME PERMIT (4 PERMITS IN ONE) | \$300.00 |
|                                                                 |          | COMMERCIAL PERMIT                  | \$300.00 |
| RE-INSPECTION FEES FOR FAILED WITH PENALTY (PAYABLE IN ADVANCE) |          |                                    |          |
|                                                                 |          | RESIDENTIAL                        | \$50.00  |
|                                                                 |          | COMMERCIAL                         | \$100.00 |

| <b>PERMITS</b>                                         | <b>Residential/<br/>General Fee</b> | <b>Commercial</b> | <b>Notes</b>                                                                                                                   |
|--------------------------------------------------------|-------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Culvert (Per Crossing)                                 | \$100.00                            | \$100.00          |                                                                                                                                |
| Demolition permits                                     | \$50.00                             | \$50.00           |                                                                                                                                |
| Display permits (per unit)                             | \$50.00                             |                   | Annual renewal from date of issue. Inspections done on anchoring and location of display. Electrical permits pulled separately |
| Driveways                                              | \$100.00                            | \$150.00          |                                                                                                                                |
| Driveways (TXDOT)                                      |                                     | \$500.00          | Commercial properties fronting on a State maintained road                                                                      |
| Development Permit (in Floodplain)                     | \$500.00                            |                   | Property located in a floodplain or property not in a floodplain that has reached 20 loads with approved permit.               |
| Development Permit (outside Floodplain)                | \$15.00                             |                   | Property outside the floodplain up to 20 loads                                                                                 |
| Irrigation (Base)                                      | \$140.00                            | \$200.00          |                                                                                                                                |
| Pond permits                                           | \$50.00                             | N/A               |                                                                                                                                |
| Sign Permits                                           | \$100.00                            |                   |                                                                                                                                |
| Review fee                                             | \$50.00                             |                   |                                                                                                                                |
| Sign Permit – Misc.                                    | \$-0-                               | N/A               | Political and non-profit signs                                                                                                 |
| Swimming Pool (Based on value of Pool)                 |                                     |                   | Electrical and plumbing can be included in one permit, fee is based on a minimum of 25 % of the permit fee                     |
| Water Wells                                            | \$50                                |                   |                                                                                                                                |
| <b><u>ANNUAL PERMITS</u></b>                           |                                     |                   | <b><u>FEE</u></b>                                                                                                              |
| <b><i>EXPIRE ON DEC. 31<sup>ST</sup> EACH YEAR</i></b> |                                     |                   | <b><u>NOTES</u></b>                                                                                                            |
| Ambulance Provider License                             |                                     |                   | \$500.00                                                                                                                       |
| EMS Vehicle (per Ambulance Charge)                     |                                     |                   | \$100.00                                                                                                                       |
| Beer and Wine                                          |                                     |                   | not to exceed ½ of TABC license fee                                                                                            |
| Burn (Residential)                                     |                                     |                   | \$15.00                                                                                                                        |
| <b><u>Manufactured Home Community</u></b>              |                                     |                   |                                                                                                                                |
| Annual Fee                                             |                                     |                   | \$100.00                                                                                                                       |
| Plus per space fee                                     |                                     |                   | \$5.00                                                                                                                         |
| <b><u>Pet Registration** (Police Dept.)</u></b>        |                                     |                   | <b>**The pet licenses expire one year from the <u>date of issue.</u></b>                                                       |
| If spayed or neutered                                  |                                     |                   |                                                                                                                                |
| <b>without proof</b> not spayed or neutered            |                                     |                   |                                                                                                                                |
| Pet impound fee (first day)                            |                                     |                   |                                                                                                                                |
| Each additional day impound                            |                                     |                   |                                                                                                                                |

ROW (Ordinance 2011-O-22)

Use of public right-of-way or City property

Right-of way crossing

Right-of way, first year per rod

\$1,000.00 (per crossing per year)

Annual renewal, per rod

\$21.00

\$7.50

RV Park License

Annual fee

\$100.00

Plus per space fee

\$5.00

Solicitor Permit

30 day renewal, passport picture required

\$50.00

First Person

\$25.00

Additional Person

Storage Facility

\$250.00

Wrecker Permits - Per wrecker charge

\$100.00

Hotel Operation License\*

\$100.00

\*annual permit expires per adopted ordinance

Coin Operated Machine Tax

\$50.00

per Machine

Health Inspections/Permits

Mobile Food Unit

\$200.00

per Unit

Food Establishment – Small (< 1,000 sf.)

\$200.00

Bi-Annual Site Inspection

Food Establishment – Medium (1,001-10,000 sf.)

\$400.00

Bi-Annual Site Inspection

Food Establishment – Large (>10,000 sf.)

\$600.00

Bi-Annual Site Inspection

Non-Profit Organizations\*

\$100.00

Bi-Annual Site Inspection

Day Care Center

\$150.00

Bi-Annual Site Inspection

Group Residence (institution)

\$150.00

Bi-Annual Site Inspection

Ownership Change Food Establishment

Small (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$200.00

Site Inspection

Medium (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$400.00

Site Inspection

Large (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$600.00

Site Inspection

Small (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$100.00

Site Inspection

Medium (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$200.00

Site Inspection

Large (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$300.00

Site Inspection

Non-Profit Organizations (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$100.00

Site Inspection

Non-Profit Organizations (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$50.00

Site Inspection

Day Care Center (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Day Care Center (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Group Residence (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Group Residence (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Temporary Food Establishment

\$50.00

Site Inspection

Re-Inspections

\$150.00

Re-Inspection

Owner Initiated Inspection

\$150.00

Re-Inspection

\*supporting documentation required

**FRANCHISE FEES (Pipeline Ordinance 2011-O-22)**

Pipeline Registration Fee

\$100.00

Deposit

\$5,000.00

Franchise Administrative Application fee

\$500.00

City Inspection Fee

\$150.00 / HR

**RENTAL REGISTRATION AND INSPECTIONS (Rental Ordinance 2013-O-06)**

|                                                                              |                  |
|------------------------------------------------------------------------------|------------------|
| Annual Rental Permit Fee                                                     | \$50.00 per unit |
| Initial inspection, re-inspection                                            | no charge        |
| All subsequent re-inspections                                                | \$250.00         |
| Untimely registration fee from 10/1/2013                                     |                  |
| Within 30 days after date set in section 17-426                              | \$300.00         |
| after 30 <sup>th</sup> day before 60 <sup>th</sup> day set in section 17-426 | \$375.00         |
| after 60 <sup>th</sup> day set in section 17-426                             | \$450.00         |
| Failure to register mandatory inspection fee                                 | \$500.00         |
| (includes initial inspection and one re-inspection)                          |                  |
| Additional Re-Inspections                                                    | \$250.00         |

**SMALL CELL WIRELESS FACILITIES (Ordinance 2017-O-30) Application Fee**

| <b><u>Network Node</u></b>                                       | <b><u>Fee</u></b> |                       |
|------------------------------------------------------------------|-------------------|-----------------------|
| Fee per application for up to 5 network nodes                    | \$500.00          |                       |
| Additional network nodes (up to 30 per application) support pole | \$250.00          |                       |
| Node support pole (per application for each pole)                | \$1,000.00        |                       |
| <b><u>Transport Facility</u></b>                                 |                   |                       |
| Fee per application                                              | \$500.00          | 1-5 network nodes     |
| Additional network nodes                                         | \$250.00          | 1-30 additional nodes |

**Annual Small Cell Wireless Facilities Fee (Ordinance 2017-O-30)**

|                                                                                                                                       |                  |                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Network node per network site support pole                                                                                            | \$250.00         |                                                                                                                                                          |
| No separate rate from the network node annual fee (each support pole should have a network node attached) Transport facility per app. | \$28.00/m onthly | (for each network node site, unless an equal or greater amount is paid to the City Under chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tx. Util. Code) |

**ALARMS (PERMITTED THROUGH THE MANVEL POLICE DEPT.)**

|                                                                                             |                                                                                   |                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------|
| <b><u>Burglar and Fire Alarm Systems (expire on December 31<sup>st</sup> each year)</u></b> |                                                                                   |                                                       |
| Residential Permit                                                                          | \$50.00 annually                                                                  | <i>*change of resident will require a new permit</i>  |
|                                                                                             | Pro-Rated Residential Alarm Permit                                                |                                                       |
|                                                                                             | \$50.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                    |                                                       |
|                                                                                             | \$25.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$12.50 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |
| Commercial Permit                                                                           | \$100.00 annually                                                                 | <i>*change of occupancy will require a new permit</i> |
|                                                                                             | Pro-Rated Commercial Alarm Permit                                                 |                                                       |
|                                                                                             | \$100.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                   |                                                       |
|                                                                                             | \$50.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$25.00 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |

**False Alarms**

|         |        |                                                                                                           |
|---------|--------|-----------------------------------------------------------------------------------------------------------|
| Burglar | 50.00  | <b><u>Burglar</u></b> - fee charged after 5 false alarms within 12 month period                           |
| Fire    | 100.00 | <b><u>Fire</u></b> - fee charged after 2 false within 12 month period                                     |
|         |        | Fee taken upon submittal of Burglar and Fire Alarm Systems Permit for Residential and Commercial Business |

**Fingerprint Fee**

|              |         |
|--------------|---------|
| Resident     | \$5.00  |
| Non-Resident | \$10.00 |

**CITY OF MANVEL PAYMENT OPTIONS AND CREDIT CARD PROCESSING FEES**

Municipal Court (Cash and Credit Cards – No checks accepted)

|                                                      |                             |
|------------------------------------------------------|-----------------------------|
| In person - Credit Card Convenience Fee              | 3.5 % of total transaction. |
| On line Credit Card Convenience Fee                  | \$6.50                      |
| Night Court payment paid through Square Incorporated | \$3.00 per \$100.00         |

Permit Department (Cash, credit cards and checks accepted)

|                             |                           |
|-----------------------------|---------------------------|
| Credit Card Convenience Fee | 3.0% of total transaction |
|-----------------------------|---------------------------|

Police Department

|                                             |                     |
|---------------------------------------------|---------------------|
| Court payment paid thru Square Incorporated | \$3.00 per \$100.00 |
|---------------------------------------------|---------------------|

Utility payments (Cash, check and on-line through TX eCommerce)

## CITY OF MANVEL FEE SCHEDULE JUNE 20, 2022

### ZONING

|                                              |                               |
|----------------------------------------------|-------------------------------|
| OCCUPANCY PERMITS, NON-RESIDENTIAL           |                               |
| CHANGE OF USE / TENANCY                      | \$1509.00                     |
| REGISTRATION FOR NEWLY ANNEXED BUSINESSES    | \$0                           |
| TEMPORARY BUSINESS PERMITS                   | \$50.00                       |
| INTERPRETATION FROM ZONING OFFICIAL          | \$50.00                       |
| RE-ZONING APPLICATION                        | \$1,800.00                    |
| SPECIFIC USE PERMIT FEE                      | \$1,500.00                    |
| APPEAL TO THE ZONING BOARD OF ADJUSTMENT     | \$750.00                      |
| PLANNED UNIT DEVELOPMENT (PUD)               |                               |
| PUBLIC NOTICE FEE                            | \$150.00                      |
| SMALL PUD                                    | \$4,000.00                    |
| MEDIUM PUD                                   | \$4,000.00 plus \$40.00/acre  |
| LARGE PUD (LESS THAN 1,000 ACRES OR GREATER) | \$10,000.00 plus \$30.00/acre |
| LARGE PUD (GREATER THAN 1,000 ACRES)         | \$20,000.00 plus \$20.00/acre |
| PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT     | \$500.00                      |

### CITY PLANNING

|                                                  |                                                    |                     |
|--------------------------------------------------|----------------------------------------------------|---------------------|
| PRELIMINARY PLAT                                 | \$750.00                                           |                     |
|                                                  | + \$10/lot and \$15/acre or fraction in reserves   |                     |
| FINAL PLAT                                       | \$750.00                                           |                     |
|                                                  | + \$25 / LOT and \$15/acre or fraction in reserves |                     |
| MASTER PLAN                                      |                                                    |                     |
| 50 ACRES TO 100 ACRES                            | \$1,000.00                                         |                     |
| 101 ACRES OR MORE                                | \$2,000.00                                         |                     |
| REPLATTING CHARGES WHEN A PUBLIC HEARING IS HELD |                                                    |                     |
| WITH NOTIFICATION                                | Advertising Fee                                    | \$75.00             |
|                                                  | Per Mailing Notification Fee                       | \$1.00              |
| WITHOUT NOTIFICATION                             |                                                    | \$75.00             |
| DEVELOPMENT PLAT                                 | \$750.00                                           | PLUS \$15/ACRE      |
| MINOR PLAT OR AMENDING PLAT                      | \$500.00                                           |                     |
| <del>PRELIMINARY</del> PLAT EXTENSION (6 MONTHS) |                                                    | NO CHARGE           |
| RECORDING FEES WITH BRAZORIA COUNTY              |                                                    |                     |
| - ACTUAL COST OF RECORDING, PLUS                 | \$30.00                                            |                     |
| PLAT RE-SUBMITTAL                                | \$200.00 each                                      |                     |
| <del>RE-CHECK FEE</del>                          | <del>VERIFICATION OF CORRECTIONS</del>             | <del>\$250.00</del> |
| VARIANCE TO THE SUBDIVISION ORDINANCE            | \$500.00                                           |                     |
| VARIANCE TO THE DESIGN CRITERIA MANUAL           | \$200.00                                           |                     |

**ENGINEERING**

PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.

\$500.00 base plus \$50.00 per document page larger than legal size sheets

RESUBMITTALS FOR PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS

(After second submittal) \$250.00 base plus \$10.00 per document page

PLAN REVIEW FOR BINDERS (every ten (10) sheets equal 1 document page)

\$500.00 base plus \$5.00 per legal size or smaller sheets

CIVIL SITE IMPROVEMENTS, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.

\$1,000.00 flat fee for projects up to and including \$100,000.00.

Over \$100,000.00- \$1,000.00 plus \$8.00 for each thousand over \$100,000.00

RE-CHECK FEE or VERIFICATION OF CORRECTIONS

\$250.00

**ENVIRONMENTAL HEALTH**

Onsite Septic System permits

Residential

\$250.00

Commercial

\$410.00

On site evaluation

\$50.00

(This will be an inspection to make sure a septic system is working properly)

**BUILDING DEPARTMENT - ALL PERMITS EXPIRE AT 180 DAYS UNLESS NOTED OTHERWISE**

**CONSTRUCTION PERMITS RESIDENTIAL AND COMMERCIAL**

Minimum permit fee

\$50.00

Commercial Construction Permit Application Fee (values greater than \$10,000) \$50.00

\$15.00 for the first \$1,000.00 of construction value plus;

\$5.00 per thousand, up to and including \$50,000.00

\$260 for the first \$50,000.00 plus \$4 per additional thousand

\$460 for the first \$100,000.00 plus \$3 per additional thousand

\$1,660 for the first \$500,000.00 plus \$2 per additional thousand

Residential Construction Permit Application Fee

\$0.40/sq. ft.

**\$70.00** FOR DETACHED GARAGES OR NATIONALLY RECOGNIZED COST ESTIMATING BOOK

PLAN REVIEW FEE ½ OF THE BUILDING PERMIT FEE

RESIDENTIAL STREAMLINE PERMITS FEE FOR ELECTRICAL, PLUMBING AND HVAC; FEE  
WILL BE A MINIMUM OF 25 % OF THE BUILDING PERMIT FEE FOR EACH CATEGORY

REVIEW FOR ELEVATION CERTIFICATES INCLUDED IN NEW CONSTRUCTION PERMIT (3  
TOTAL (at start, at pre-pour and final) PER CERTIFICATE \$50.00

REVIEW FOR ELEVATION CERTIFICATES NOT INCLUDED IN NEW CONSTRUCTION  
PER CERTIFICATE \$65.00

MANUFACTURED AND MODULER HOMES

\$0.30/sq. ft.

**IMPACT FEES: (2021-R-26)**

| Meter Size | Meter Type   | Service Unit Equivalent | Impact Fees |            |           |
|------------|--------------|-------------------------|-------------|------------|-----------|
|            |              |                         | Water       | Wastewater | Total     |
| 3/4"       | Displacement | 1.0                     | \$2,441     | \$7,107    | \$9,548   |
| 1"         | Displacement | 1.6                     | \$3,906     | \$11,371   | \$15,277  |
| 1-1/2"     | Turbine      | 4.0                     | \$9,766     | \$28,428   | \$38,194  |
| 2"         | Turbine      | 6.4                     | \$15,625    | \$45,484   | \$61,109  |
| 3"         | Displacement | 12.8                    | \$31,251    | \$90,969   | \$122,220 |
| 4"         | Displacement | 20.0                    | \$48,830    | \$142,140  | \$190,970 |
| 6"         | Displacement | 40.0                    | \$97,660    | \$284,280  | \$381,940 |
| 8"         | Displacement | 64.0                    | \$156,256   | \$454,848  | \$611,104 |
| 10"        | Displacement | 92.0                    | \$224,618   | \$653,844  | \$878,462 |

**\*\*CARPORTS** (see below), POLE BARNs, SHEDs, ELEVATED DECKs 30" OR HIGHER, ETC...  
 (NON-LIVING AREAS OVER 200 SQ FEET – OUTSIDE THE FLOOD ZONE)  
**(\*\*CARPORTS – metal pre-fab structure, open on all four sides, 400 sq. feet or less over parking area, does NOT require a permit)**

MINIMUM \$50.00  
 Plus Plan Review (if required)

**ADDITIONALLY, CARPORTS (DETACHED) OF AREA LESS THAN 600 SQUARE FEET ARE STILL REQUIRED TO BE PERMITTED, BUT ARE EXEMPT FROM THE PAYMENT OF THE PERMIT FEE, WITH THE FOLLOWING CONDITIONS: (SEE ORDINANCE 2016-O-05)**

*1) Less than 600 square feet in area; 2) Enclosed on no more than 2 sides; 3) Unfinished on the interior; 4) No utilities connected to the structure; 5) Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas); 6) Must be detached from residential structure; 7) Must be firmly anchored to prevent floatation, collapse, and lateral movement; 8) Must abide by the same setbacks as required by zoning on the property; 9) No elevation certificate is required; and 10) A site drawing (can be hand drawn) is required to show where the structure will be located.*

FEE No Cost

ELECTRICAL AND PLUMBING PERMITS PULLED SEPARATELY, THE BASE FEE IS APPLIED, PLUS ANY ADDITIONAL COST ITEMS LISTED ON THE APPLICATION.

|                                                                 |          |                                    |          |
|-----------------------------------------------------------------|----------|------------------------------------|----------|
| PLUMBING PERMITS                                                | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| ELECTRICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| MECHANICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| RENEWAL BUILDING PERMITS                                        |          | RESIDENTIAL INDIVIDUAL PERMIT      | \$150.00 |
|                                                                 |          | NEW HOME PERMIT (4 PERMITS IN ONE) | \$300.00 |
|                                                                 |          | COMMERCIAL PERMIT                  | \$300.00 |
| RE-INSPECTION FEES FOR FAILED WITH PENALTY (PAYABLE IN ADVANCE) |          |                                    |          |
|                                                                 |          | RESIDENTIAL                        | \$50.00  |
|                                                                 |          | COMMERCIAL                         | \$100.00 |

| PERMITS                                                      | Residential/<br>General Fee | Commercial | Notes                                                                                                                          |
|--------------------------------------------------------------|-----------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------|
| Culvert (Per Crossing)                                       | \$100.00                    | \$100.00   |                                                                                                                                |
| Demolition permits                                           | \$50.00                     | \$50.00    |                                                                                                                                |
| Display permits (per unit)                                   | \$50.00                     |            | Annual renewal from date of issue. Inspections done on anchoring and location of display. Electrical permits pulled separately |
| Driveway Permit                                              | \$100.00                    | \$150.00   | <del>For commercial property fronting a state maintained road (Highway 6, State highway 288 and FM 1128)</del>                 |
| Driveway Permit (TXDOT)                                      |                             | \$500.00   | Commercial properties fronting on a State maintained road                                                                      |
| <del>Fill-Dirt Development Permit</del> (in Floodplain)      | \$500.00                    |            | Property located in a floodplain or property not in a floodplain that has reached 20 loads <del>with approved permit.</del>    |
| <del>Fill-Dirt Development Permit</del> (outside Floodplain) | \$15.00                     |            | Property outside the floodplain up to 20 loads                                                                                 |
| Irrigation (Base)                                            | \$140.00                    | \$200.00   |                                                                                                                                |
| Pond permits                                                 | \$50.00                     | N/A        |                                                                                                                                |
| Sign Permits                                                 | \$100.00                    |            |                                                                                                                                |
| Review fee                                                   | \$50.00                     |            |                                                                                                                                |
| Sign Permit – Misc.                                          | \$-0-                       | N/A        | Political and non-profit signs                                                                                                 |
| Swimming Pool (Based on value of Pool)                       |                             |            | Electrical and plumbing can be included in one permit, fee is based on a minimum of 25 % of the permit fee                     |
| Water Wells                                                  | \$50                        |            |                                                                                                                                |

#### ANNUAL PERMITS

EXPIRE ON DEC. 31<sup>ST</sup> EACH YEAR

|                                             | <u>FEE</u> | <u>NOTES</u>                                                      |
|---------------------------------------------|------------|-------------------------------------------------------------------|
| Ambulance Provider License                  | \$500.00   |                                                                   |
| EMS Vehicle (per Ambulance Charge)          | \$100.00   |                                                                   |
| Beer and Wine                               |            | not to exceed ½ of TABC license fee                               |
| Burn (Residential)                          | \$15.00    |                                                                   |
| <u>Manufactured Home Community</u>          |            |                                                                   |
| Annual Fee                                  | \$100.00   |                                                                   |
| Plus per space fee                          | \$5.00     |                                                                   |
| <u>Pet Registration** (Police Dept.)</u>    |            | **The pet licenses expire one year from the <u>date of issue.</u> |
| If spayed or neutered                       | \$5.00     |                                                                   |
| <b>without proof</b> not spayed or neutered | \$10.00    |                                                                   |
| Pet impound fee (first day)                 | \$30.00    |                                                                   |
| Each additional day impound                 | \$5.00     |                                                                   |

ROW (Ordinance 2011-O-22)

Use of public right-of-way or City property

Right-of way crossing

Right-of way, first year per rod

\$1,000.00 (per crossing per year)

Annual renewal, per rod

\$21.00

\$7.50

RV Park License

Annual fee

\$100.00

Plus per space fee

\$5.00

Solicitor Permit

30 day renewal, passport picture required

\$50.00

First Person

\$25.00

Additional Person

Storage Facility

\$250.00

Wrecker Permits - Per wrecker charge

\$100.00

Hotel Operation License\*

\$100.00

\*annual permit expires per adopted ordinance

Coin Operated Machine Tax

\$50.00

per Machine

Health Inspections/Permits

Mobile Food Unit

\$200.00

per Unit

Food Establishment – Small (< 1,000 sf.)

\$200.00

Bi-Annual Site Inspection

Food Establishment – Medium (1,001-10,000 sf.)

\$400.00

Bi-Annual Site Inspection

Food Establishment – Large (>10,000 sf.)

\$600.00

Bi-Annual Site Inspection

Non-Profit Organizations\*

\$100.00

Bi-Annual Site Inspection

Day Care Center

\$150.00

Bi-Annual Site Inspection

Group Residence (institution)

\$150.00

Bi-Annual Site Inspection

Ownership Change Food Establishment

Small (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$200.00

Site Inspection

Medium (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$400.00

Site Inspection

Large (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$600.00

Site Inspection

Small (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$100.00

Site Inspection

Medium (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$200.00

Site Inspection

Large (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$300.00

Site Inspection

Non-Profit Organizations (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$100.00

Site Inspection

Non-Profit Organizations (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$50.00

Site Inspection

Day Care Center (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Day Care Center (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Group Residence (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Group Residence (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Temporary Food Establishment

\$50.00

Site Inspection

Re-Inspections

\$150.00

Re-Inspection

Owner Initiated Inspection

\$150.00

Re-Inspection

\*supporting documentation required

**FRANCHISE FEES (Pipeline Ordinance 2011-O-22)**

Pipeline Registration Fee

\$100.00

Deposit

\$5,000.00

Franchise Administrative Application fee

\$500.00

City Inspection Fee

\$150.00 / HR

**RENTAL REGISTRATION AND INSPECTIONS (Rental Ordinance 2013-O-06)**

|                                                                              |                         |
|------------------------------------------------------------------------------|-------------------------|
| <b>Annual Rental Permit Fee</b>                                              | <b>\$50.00 per unit</b> |
| Initial inspection, re-inspection                                            | no charge               |
| All subsequent re-inspections                                                | \$250.00                |
| Untimely registration fee from 10/1/2013                                     |                         |
| Within 30 days after date set in section 17-426                              | \$300.00                |
| after 30 <sup>th</sup> day before 60 <sup>th</sup> day set in section 17-426 | \$375.00                |
| after 60 <sup>th</sup> day set in section 17-426                             | \$450.00                |
| Failure to register mandatory inspection fee                                 | \$500.00                |
| (includes initial inspection and one re-inspection)                          |                         |
| Additional Re-Inspections                                                    | \$250.00                |

**SMALL CELL WIRELESS FACILITIES (Ordinance 2017-O-30) Application Fee**

| <b><u>Network Node</u></b>                                       | <b><u>Fee</u></b> |                       |
|------------------------------------------------------------------|-------------------|-----------------------|
| Fee per application for up to 5 network nodes                    | \$500.00          |                       |
| Additional network nodes (up to 30 per application) support pole | \$250.00          |                       |
| Node support pole (per application for each pole)                | \$1,000.00        |                       |
| <b><u>Transport Facility</u></b>                                 |                   |                       |
| Fee per application                                              | \$500.00          | 1-5 network nodes     |
| Additional network nodes                                         | \$250.00          | 1-30 additional nodes |

**Annual Small Cell Wireless Facilities Fee (Ordinance 2017-O-30)**

|                                                                                                                                       |                 |                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Network node per network site support pole                                                                                            | \$250.00        |                                                                                                                                                          |
| No separate rate from the network node annual fee (each support pole should have a network node attached) Transport facility per app. | \$28.00/monthly | (for each network node site, unless an equal or greater amount is paid to the City Under chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tx. Util. Code) |

**ALARMS (PERMITTED THROUGH THE MANVEL POLICE DEPT.)**

|                                                                                             |                                                                                   |                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------|
| <b><u>Burglar and Fire Alarm Systems (expire on December 31<sup>st</sup> each year)</u></b> |                                                                                   |                                                       |
| Residential Permit                                                                          | \$50.00 annually                                                                  | <i>*change of resident will require a new permit</i>  |
|                                                                                             | Pro-Rated Residential Alarm Permit                                                |                                                       |
|                                                                                             | \$50.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                    |                                                       |
|                                                                                             | \$25.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$12.50 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |
| Commercial Permit                                                                           | \$100.00 annually                                                                 | <i>*change of occupancy will require a new permit</i> |
|                                                                                             | Pro-Rated Commercial Alarm Permit                                                 |                                                       |
|                                                                                             | \$100.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                   |                                                       |
|                                                                                             | \$50.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$25.00 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |

**False Alarms**

|         |        |                                                                                                           |
|---------|--------|-----------------------------------------------------------------------------------------------------------|
| Burglar | 50.00  | <b><u>Burglar</u></b> - fee charged after 5 false alarms within 12 month period                           |
| Fire    | 100.00 | <b><u>Fire</u></b> - fee charged after 2 false within 12 month period                                     |
|         |        | Fee taken upon submittal of Burglar and Fire Alarm Systems Permit for Residential and Commercial Business |

**Fingerprint Fee**

|              |         |
|--------------|---------|
| Resident     | \$5.00  |
| Non-Resident | \$10.00 |

**CITY OF MANVEL PAYMENT OPTIONS AND CREDIT CARD PROCESSING FEES**

Municipal Court (Cash and Credit Cards – No checks accepted)

|                                                      |                             |
|------------------------------------------------------|-----------------------------|
| In person - Credit Card Convenience Fee              | 3.5 % of total transaction. |
| On line Credit Card Convenience Fee                  | \$6.50                      |
| Night Court payment paid through Square Incorporated | \$3.00 per \$100.00         |

Permit Department (Cash, credit cards and checks accepted)

|                             |                |
|-----------------------------|----------------|
| Credit Card Convenience Fee | 3.05% of total |
| transaction                 |                |

Police Department

|                                             |                     |
|---------------------------------------------|---------------------|
| Court payment paid thru Square Incorporated | \$3.00 per \$100.00 |
|---------------------------------------------|---------------------|

Utility payments (Cash, check and on-line through TX eCommerce)

| Fire Safety and Prevention - June 20, 2022                                    |                                    |            |
|-------------------------------------------------------------------------------|------------------------------------|------------|
| Resolution 2022-R-08 EXHIBIT B                                                |                                    |            |
| Permit Type                                                                   | Additional Information             | Fee        |
| <b>Certificate of Occupancy (Change of Occupancy)</b>                         | Fire Final Inspection              | \$150.00   |
| <b>Open Burning</b>                                                           |                                    |            |
| Commercial (Trench burn Only)                                                 | Site Inspection                    | \$200.00   |
| Residential                                                                   | Site Inspection                    | \$15.00    |
| <b>Fire Inspections</b>                                                       |                                    |            |
| Construction Site Offices/Trailers/Containers.(Inspection required)           | One Time Service                   | \$150.00   |
| Construction Site Fuel Tanks (Inspection required)                            | One Time Service per tank          | \$100.00   |
| Fireworks Display/Show                                                        | Per Site                           | \$1,000.00 |
| <b>All Fire Plans Review Fees</b>                                             |                                    |            |
| <b>Fire Sprinkler System</b>                                                  |                                    |            |
| Plans Review Fee                                                              | 50% of total Permit Cost           |            |
| Number of Sprinkler Head                                                      | per Sprinkler Head                 | \$5.00     |
| Number of Tamper Devices                                                      | per Tamper Divide                  | \$5.00     |
| Number of Flow Devices                                                        | per Flow Device                    | \$5.00     |
| Jockey Pump                                                                   |                                    | \$50.00    |
| Fire Pump Acceptance Test                                                     |                                    | \$100.00   |
| Fire Pump Acceptance Test (Re-Test)                                           |                                    | \$150.00   |
| Number of Hose Valves                                                         | per Hose Valve                     | \$10.00    |
| Combined Sprinkler and Standpipe                                              | per Combined Sprinkler & Standpipe | \$50.00    |
| Hydrostatic Test                                                              | Fee will be charged for each test  | \$100.00   |
| <b>Fire Service Underground Main, Fire/Private Hydrants/Storage Tanks</b>     |                                    |            |
| Plans Review Fee                                                              | 50% of total Permit Cost           |            |
| Fire Service Underground Main                                                 |                                    | \$100.00   |
| Storage Tanks                                                                 |                                    | \$150.00   |
| Hydrant                                                                       | per Hydrant                        | \$50.00    |
| Hydrostatic Test                                                              | Fee will be charged for each test  | \$100.00   |
| Re-Test Fee                                                                   |                                    | \$175.00   |
| <b>Fixed Suppression System (Commercial Cooking Hood, Spray Booth or Room</b> |                                    |            |
| Plans Review Fee                                                              | 50% of total Permit Cost           |            |
| Automatic Fire-Extinguishing Systems                                          | Fixed Systems                      | \$150.00   |
| Number of Nozzles                                                             | Plus Additional Per Head 2.00      | \$5.00     |

| Fire Safety and Prevention - June 20, 2022                     |                           |            |
|----------------------------------------------------------------|---------------------------|------------|
| Number of Audio/Visual Devices                                 |                           | \$5.00     |
| System Test                                                    |                           | \$100.00   |
| Re-Test Fee                                                    |                           | \$175.00   |
| <b>Fire Alarm and Detection System</b>                         |                           |            |
| Plans Review Fee                                               | 50% of total Permit Cost  |            |
| Number of Smoke Detectors                                      | per Device                | \$5.00     |
| Number of Duct Detectors                                       | per Device                | \$5.00     |
| Number of Heat Activated Devices                               | per Device                | \$5.00     |
| Number of Releasing Devices                                    | per Device                | \$5.00     |
| Number of Audio/Visual Devices                                 | per Device                | \$5.00     |
| Number of Additional Devices (i.e., Relay/Modules, etc.)       | per Device                | \$5.00     |
| Remote Annunciator                                             | Each                      | \$50.00    |
| Emergency Public Address                                       | per Floor                 | \$50.00    |
| (For first 10 floors and \$5.00 per floor thereafter)          | per Floor                 | \$5.00     |
| Re-Test Fee                                                    |                           | \$175.00   |
| <b>Flammable and Combustible Liquids</b>                       |                           |            |
| Plans Review Fee                                               | 50% of total Permit Cost  |            |
| Pipeline                                                       |                           | \$600.00   |
| Aboveground Storage Tank Install                               |                           | \$250.00   |
| Aboveground Storage Tank Repair and/or Removal                 |                           | \$100.00   |
| Underground Storage Tank Install                               |                           | \$400.00   |
| Underground Storage Tank Repair and/or Removal                 |                           | \$100.00   |
| Construction Site Fuel Tank (Inspection Required)              | One Time Service per Tank | \$100.00   |
| Re-Test Fee                                                    |                           | \$175.00   |
| Oil/Gas Well Drilling                                          | Construction Site         | \$1,000.00 |
| Oil/Gas Well Workover/Recompletions                            | Construction Site         | \$500.00   |
| Hazardous Materials                                            | Storage                   | \$200.00   |
| LP-Gas                                                         | Storage                   | \$100.00   |
| <b>Compressed Gas, Hazardous Material and Industrial Ovens</b> |                           |            |
| Plans Review Fee                                               | 50% of total Permit Cost  |            |
| Compressed Gas                                                 | per System                | \$150.00   |
| Hazardous Material                                             |                           | \$450.00   |
| Industrial Ovens                                               |                           | \$200.00   |
| Re-Test Fee                                                    |                           | \$175.00   |
| <b>Temporary Booth, Membrane Structures and Tents</b>          |                           |            |
| Plans Review Fee                                               | 50% of total Permit Cost  |            |

| Fire Safety and Prevention - June 20, 2022     |                                      |          |
|------------------------------------------------|--------------------------------------|----------|
| Temporary Membrane Structures                  |                                      | \$250.00 |
| Tent and Canopy 201 to 300 square feet         |                                      | \$50.00  |
| Tent and Canopy 301 to 600 square feet         |                                      | \$75.00  |
| Tent and Canopy 601 to 1,000 square feet       |                                      | \$100.00 |
| Tent and Canopy over 1,001 square feet         |                                      | \$150.00 |
| <b>Annual Fire Inspections</b>                 |                                      |          |
| Commercial/Public                              | Initial Inspection                   | No Fee   |
| Commercial/Public                              | 1st Re-Inspection                    | No Fee   |
| Commercial/Public                              | 2nd Re-Inspection                    | \$100.00 |
| Commercial/Public                              | 3rd Re-Inspection                    | \$200.00 |
| Foster Home                                    | Licensed 1-3                         | \$25.00  |
| Foster Home                                    | Licensed 3 or more                   | \$50.00  |
| Group Home                                     | Licensed 1-6                         | \$50.00  |
| Group Home                                     | Licensed 7-12                        | \$100.00 |
| Multi-Family Residences/Hotels/Motels          | 3-20 Dwelling Units                  | \$200.00 |
| Multi-Family Residences/Hotels/Motels          | 21 or more Dwelling Units            | \$350.00 |
| Hospitals/Nursing Homes Providing 24-Hour Care | Licensed 1-99 Beds                   | \$300.00 |
| Hospitals/Nursing Homes Providing 24-Hour Care | Licensed 100-199 Beds                | \$400.00 |
| Hospitals/Nursing Homes Providing 24-Hour Care | Licensed 200 or more Beds            | \$500.00 |
| Other 24-Hour Care Facilities                  | Licensed for 1-3 Occupants           | \$100.00 |
| Other 24-Hour Care Facilities                  | Licensed for 4-16 Occupants          | \$175.00 |
| Other 24-Hour Care Facilities                  | Licensed for 17-25 Occupants         | \$250.00 |
| Other 24-Hour Care Facilities                  | Licensed for 26 or more Occupants    | \$325.00 |
| <b>Required Operational Permits</b>            | <b>Annual from Month of Issuance</b> |          |
| Aerosol Products                               |                                      | \$150.00 |
| Amusement Building                             |                                      | \$75.00  |
| Aviation Facilities                            |                                      | \$450.00 |
| Carnivals and Fairs                            |                                      | \$500.00 |
| Battery Systems                                |                                      | \$150.00 |
| Cellulose Nitrate Film                         |                                      | \$500.00 |

| Fire Safety and Prevention - June 20, 2022                                             |                           |          |
|----------------------------------------------------------------------------------------|---------------------------|----------|
| Combustible Dust-Producing Operations                                                  |                           | \$500.00 |
| Combustible Fibers                                                                     |                           | \$150.00 |
| Compressed Gases                                                                       |                           | \$150.00 |
| Covered Mall Building                                                                  |                           | \$450.00 |
| Cryogenic Fluids                                                                       |                           | \$150.00 |
| Cutting and Welding                                                                    |                           | \$50.00  |
| Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)                | 1-50 Children             | \$75.00  |
| Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)                | 50-99 Children            | \$100.00 |
| Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)                | 100-149 Children          | \$125.00 |
| Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)                | 150 or more Children      | \$150.00 |
| Dry Cleaning Plants                                                                    |                           | \$150.00 |
| Exhibits and Trade Shows                                                               |                           | \$75.00  |
| Explosives                                                                             |                           | \$500.00 |
| Flammable and Combustible Liquids (includes Aboveground and Underground Storage Tanks) |                           | \$150.00 |
| Floor Finishing                                                                        |                           | \$50.00  |
| Fruit and Crop Ripening                                                                |                           | \$50.00  |
| Fumigation and Thermal Insecticide Fogging                                             |                           | \$100.00 |
| Hazardous Materials                                                                    |                           | \$450.00 |
| Hazardous Production Materials Facilities                                              |                           | \$450.00 |
| High-Piled Storage                                                                     |                           | \$300.00 |
| Hot Work Operations                                                                    |                           | \$100.00 |
| Industrial Ovens                                                                       |                           | \$250.00 |
| Lumber Yards and Woodworking Plants                                                    |                           | \$250.00 |
| Liquid/Gas-Fueled Vehicles/Equipment in Assembly Building                              |                           | \$100.00 |
| LP Gas                                                                                 |                           | \$200.00 |
| Magnesium                                                                              |                           | \$250.00 |
| Miscellaneous Combustible Storage                                                      |                           | \$150.00 |
| Motor Fuel-Dispensing Facilities                                                       |                           | \$150.00 |
| Open Burning                                                                           | see Open Burning Category | --       |
| Organic Coatings                                                                       |                           | \$150.00 |
| Assembly A                                                                             | Occupant Load 50-300      | \$100.00 |
| Assembly B                                                                             | Occupant Load 301-1,000   | \$150.00 |
| Assembly C                                                                             | Occupant Load Over 1,000  | \$200.00 |
| Private Fire Hydrants                                                                  |                           | \$50.00  |
| Pyrotechnic Special Effects Material                                                   |                           | \$150.00 |
| Pyroxylin Plastics                                                                     |                           | \$250.00 |

| Fire Safety and Prevention - June 20, 2022                                                                                                                                                                     |  |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------|
| Refrigeration Equipment                                                                                                                                                                                        |  | \$150.00 |
| Repair Garages and Motor Fuel-Dispensing Facilities                                                                                                                                                            |  | \$150.00 |
| Rooftop Heliports                                                                                                                                                                                              |  | \$100.00 |
| Spraying or Dipping                                                                                                                                                                                            |  | \$100.00 |
| Storage of Scrap Tires and Tire Byproducts                                                                                                                                                                     |  | \$350.00 |
| Tire Rebuilding Plants                                                                                                                                                                                         |  | \$500.00 |
| Waste Handling                                                                                                                                                                                                 |  | \$150.00 |
| Wood Products                                                                                                                                                                                                  |  | \$150.00 |
| <b>Double Permit Fee</b>                                                                                                                                                                                       |  |          |
| <b>If it is determined by the Fire Code Official that an activity, condition, or occupancy requiring a permit exists and no permit has been issued, the Fire Code Official may impose a double permit fee.</b> |  |          |
|                                                                                                                                                                                                                |  |          |
| <i>If a New Installation, Renovation/Addition to Existing System, or Repair is completed without an approved permit, then double fees shall be added to the permit fee total.</i>                              |  |          |

| Fire Protection and Prevention - <b>June 20, 2022</b>                        |                                      |                     |
|------------------------------------------------------------------------------|--------------------------------------|---------------------|
| Resolution 2022-R-08 EXHIBIT B                                               |                                      |                     |
| Permit Type                                                                  | Additional Information               | Fee                 |
| Certificate of Occupancy (Change of Occupancy)                               | Fire Final Inspection                | \$150.00            |
| Open Burning                                                                 |                                      |                     |
| Commercial (Trench burn Only)                                                | Site Inspection                      | \$200.00            |
| Residential                                                                  | Site Inspection                      | \$15.00             |
| <b>Health Inspections/Permits</b>                                            |                                      |                     |
| Mobile Food Units-                                                           | Per unit (annually)                  | <del>\$200.00</del> |
| Food Establishments Under 1,000Sq-Ft                                         | Site inspection (by-annually)        | <del>\$200.00</del> |
| Food Establishments Over 1,000Sq-Ft                                          | Site inspection (by-annually)        | <del>\$300.00</del> |
| Day Care                                                                     | That serve Food (annually) Site insp | <del>\$150.00</del> |
| Day Cares                                                                    | Sanitation (annually)                | <del>\$150.00</del> |
| Re-Inspections                                                               | Re-Inspection                        | <del>\$150.00</del> |
| <b>Fire Inspections</b>                                                      |                                      |                     |
| Construction Site Offices/Trailers/Containers.(Inspection required)          | One Time Service                     | \$150.00            |
| Construction Site Fuel Tanks (Inspection required)                           | One Time Service per tank            | \$100.00            |
| Fireworks Display/Show                                                       | Per Site                             | \$1,000.00          |
| <b>All Fire Plans Review Fees</b>                                            | <b>(50% of total Permit Cost</b>     |                     |
| <b>Automatic Fire-extinguishing Systems</b>                                  |                                      |                     |
| Automatic Fire-extinguishing Systems (base fee)                              | 100 or Fewer Heads                   | \$150.00            |
| Automatic Fire-extinguishing Systems (base fee)                              | 101 or more heads                    | \$200.00            |
|                                                                              | Plus Additional per Head 2           | \$3.00              |
| Fee per riser                                                                |                                      | \$60.00             |
| Fee per fire pump.                                                           |                                      | \$75.00             |
| Fee per storage tank                                                         |                                      | \$100.00            |
| Fee per jockey pump                                                          |                                      | \$50.00             |
| Fee for Hydrostatic/Visual testing                                           |                                      | \$100.00            |
| <b>Automatic Fire-extinguishing Systems (Commercial Cooking/Wet systems)</b> |                                      |                     |
| Automatic Fire-extinguishing Systems                                         | Fixed Systems                        | \$150.00            |
|                                                                              | Per device                           | \$3.00              |
| Fee for blow-off and function test                                           |                                      | \$100.00            |
| <b>Fire Alarm/Detection Related Equipment</b>                                |                                      |                     |
| Fire Alarm/Detection Related Equipment                                       | Fee Per FACP                         | \$150.00            |
| Fire Alarm/Detection Related Equipment                                       | Fee Per Device                       | \$3.00              |

| Fire Protection and Prevention - <b>June 20, 2022</b>                   |                              |                 |
|-------------------------------------------------------------------------|------------------------------|-----------------|
| Fire Alarm/Detection Related Equipment                                  | Fee for function test        | \$100.00        |
| <b>Changes to existing Automatic Fire-extinguishing Systems</b>         |                              |                 |
| Plan review fee                                                         | 50% of the total of Permit   |                 |
| 1-10 sprinkler heads                                                    |                              | \$100.00        |
| Over 10 Heads                                                           | Per Head                     | \$3.00          |
| <b>Compressed Gas</b>                                                   |                              |                 |
| Compressed Gas plan review Fee                                          | 50% of the total permit      |                 |
| Compresses Gas                                                          | Fee per system               | \$150.00        |
| <b>Re-Inspections for Construction permits. If any inspection fails</b> |                              | <b>\$150.00</b> |
|                                                                         |                              |                 |
|                                                                         |                              |                 |
| Oil/Gas Well Drilling                                                   | Construction Site            | \$1,000.00      |
| Oil/Gas Well Workover/Recompletions                                     | Construction Site            | \$500.00        |
| Hazardous Materials                                                     | Storage                      | \$200.00        |
| LP-Gas                                                                  | Storage                      | \$100.00        |
| Spraying or Dipping                                                     | Building/Booths              | \$150.00        |
| <b>Flammable and Combustible Liquids Permit</b>                         |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Pipeline                                                                |                              | \$600.00        |
| Aboveground Storage tank install                                        |                              | \$250.00        |
| Aboveground Storage tank repair and/or removal                          |                              | \$100.00        |
| Underground Storage tank install                                        |                              | \$400.00        |
| Underground Storage tank repair and/or removal                          |                              | \$100.00        |
| <b>Hazardous Material Permit</b>                                        |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$450.00        |
| <b>Industrial Ovens</b>                                                 |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$200.00        |
| <b>LP-Gas</b>                                                           |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$250.00        |
| <b>Private Fire Hydrant System</b>                                      |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee per hydrant                                                  |                              | \$50.00         |
| Fee for Hydrostatic testing                                             |                              | \$100.00        |

| Fire Protection and Prevention - <b>June 20, 2022</b>    |                              |          |
|----------------------------------------------------------|------------------------------|----------|
| <b>Spraying or Dipping</b>                               |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Fee per system                                           |                              | \$100.00 |
| Fee per device                                           |                              | \$2.00   |
| Fee for blow-off and function testing                    |                              | \$50.00  |
| <b>Standpipe Systems</b>                                 |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Class I system                                           |                              | \$100.00 |
| Class II system                                          |                              | \$100.00 |
| Class III system                                         |                              | \$100.00 |
| Fee for Hydrostatic testing                              |                              | \$100.00 |
| <b>Temporary Membrane Structures, Tents and Canopies</b> |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Temporary Membrane Structures                            |                              | \$250.00 |
| Tent and Canopy 201 to 300 square feet                   |                              | \$50.00  |
| Tent and Canopy 301 to 600 square feet                   |                              | \$75.00  |
| Tent and Canopy 601 to 1,000 square feet                 |                              | \$100.00 |
| Tent and Canopy over 1,001 square feet                   |                              | \$150.00 |
| <b>Annual Fire Inspections</b>                           |                              |          |
| Commercial/Public                                        | Initial Inspection           | \$0.00   |
| Commercial/Public                                        | 1st. Re-Inspection           | \$100.00 |
| Commercial/Public                                        | 2nd Re-Inspection            | \$200.00 |
| Commercial/Public                                        | 3rd Re-Inspection            | \$300.00 |
| Group Homes/Foster Homes                                 | Licensed 1-6                 | \$50.00  |
| Group Homes/Foster Homes                                 | Licensed 7-12                | \$100.00 |
| Multi-family Residences/Hotels/Motels                    | 3-20 Dwellings               | \$200.00 |
| Multi-family Residences/Hotels/Motels                    | 21 or more Dwelling Units    | \$350.00 |
| Hospitals/Nursing Homes Providing 24 Hour Care           | Licensed 1-99 beds           | \$300.00 |
| Hospitals/Nursing Homes Providing 24 Hour Care           | Licensed 100-199 Beds        | \$400.00 |

| Fire Protection and Prevention - <b>June 20, 2022</b>     |                                  |          |
|-----------------------------------------------------------|----------------------------------|----------|
| Hospitals/Nursing Homes Providing 24 Hour Care            | Licensed 200-or more Beds        | \$500.00 |
| Standpipe Systems                                         |                                  | \$50.00  |
| <b>(D) Operational Permits</b>                            | <b>Per year expire Jan 31st.</b> |          |
| Aerosol Products                                          |                                  | \$150.00 |
| Amusement Building                                        |                                  | \$75.00  |
| Aviation Facilities                                       |                                  | \$450.00 |
| Carnivals & Fairs                                         |                                  | \$500.00 |
| Battery Systems                                           |                                  | \$150.00 |
| Cellulose Nitrate Film                                    |                                  | \$500.00 |
| Combustible Dust-Producing Operations                     |                                  | \$150.00 |
| Combustible Fibers                                        |                                  | \$150.00 |
| Compressed Gases                                          |                                  | \$150.00 |
| Covered Mall Building                                     |                                  | \$450.00 |
| Cryogenic Fluids                                          |                                  | \$150.00 |
| Cutting and Welding                                       |                                  | \$50.00  |
| Dry Cleaning Plants                                       |                                  | \$150.00 |
| Exhibits and Trade Shows                                  |                                  | \$75.00  |
| Explosives                                                |                                  | \$500.00 |
| Flammable and Combustible Liquids (Storage/Dispensing)    |                                  | \$150.00 |
| Floor Finishing                                           |                                  | \$50.00  |
| Fruit and Crop Ripening                                   |                                  | \$50.00  |
| Fumigation and Thermal Insecticide Fogging                |                                  | \$100.00 |
| Hazardous Materials                                       |                                  | \$450.00 |
| Hazardous Production Materials Facilities                 |                                  | \$450.00 |
| High-piled Storage                                        |                                  | \$300.00 |
| Hot work Operations                                       |                                  | \$100.00 |
| Industrial Ovens                                          |                                  | \$250.00 |
| Lumber Yards and Woodworking Plants                       |                                  | \$250.00 |
| Liquid/Gas-fueled Vehicles/Equipment in Assembly Building |                                  | \$100.00 |
| LP Gas                                                    |                                  | \$200.00 |
| Magnesium                                                 |                                  | \$250.00 |
| Miscellaneous Combustible Storage                         |                                  | \$150.00 |
| Open Burning                                              | See Open Burning Category        | \$*** ** |
| Organic Coatings                                          |                                  | \$150.00 |
| Places of Assembly                                        |                                  | \$100.00 |
| Private Fire Hydrants                                     |                                  | \$50.00  |

| Fire Protection and Prevention - <b>June 20, 2022</b>                                                                                                                                         |  |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------|
| Pyrotechnic Special Effects Material                                                                                                                                                          |  | \$150.00 |
| Pyroxylin Plastics                                                                                                                                                                            |  | \$250.00 |
| Refrigeration Equipment                                                                                                                                                                       |  | \$150.00 |
| Repair Garages and Motor Fuel-dispensing Facilities                                                                                                                                           |  | \$150.00 |
| Rooftop Heliports                                                                                                                                                                             |  | \$100.00 |
| Spraying or Dipping                                                                                                                                                                           |  | \$100.00 |
| Storage of Scrap Tires and Tire Byproducts                                                                                                                                                    |  | \$350.00 |
| Tire Rebuilding Plants                                                                                                                                                                        |  | \$500.00 |
| Waste Handling                                                                                                                                                                                |  | \$150.00 |
| Wood Products                                                                                                                                                                                 |  | \$150.00 |
| <b>(E) Double Permit Fee</b>                                                                                                                                                                  |  |          |
| The fire code official may impose a double permit fee when he/she finds that a condition, activity or occupancy requiring a permit exists and no permit has been issued by the fire official. |  |          |

| City of Manvel Fire Marshal's Office Fee Schedule                                        |                                          |                     |                     |
|------------------------------------------------------------------------------------------|------------------------------------------|---------------------|---------------------|
|                                                                                          |                                          | Old Fees            | New Fees            |
| <b>Certificate of Occupancy (Change of Occupancy)</b>                                    | Fire Final Inspection                    | \$100               | \$150.00            |
| <b>Open Burning</b>                                                                      |                                          |                     |                     |
| Commercial (Trench burn Only)                                                            | Site Inspection                          | \$100.00            | \$200.00            |
| Residential                                                                              | Site Inspection                          | \$15.00             | \$15.00             |
| <b>Health Inspections/<del>Prmits</del> Permits (Changes made by Code Enforcement)</b>   |                                          |                     |                     |
| <del>Mobile Food units-</del>                                                            | <del>Per unit (annually)</del>           |                     | <del>\$200.00</del> |
| <del>Food Establishments Under 1,000Sq Ft-</del>                                         | <del>Site inspection (by annually)</del> |                     | <del>\$200.00</del> |
| <del>Food Establishments Over 1,000Sq Ft-</del>                                          | <del>Site inspection (by annually)</del> |                     | <del>\$300.00</del> |
| <del>Re-Inspections any after first</del>                                                | <del>Re-Inspection</del>                 |                     | <del>\$150.00</del> |
| <del>Day Cares</del>                                                                     | <del>That serve Food (annually)</del>    |                     | <del>\$150.00</del> |
| <del>Day Cares</del>                                                                     | <del>Sanitation (annually)</del>         |                     | <del>\$150.00</del> |
| <b>Fire Inspections</b>                                                                  |                                          |                     |                     |
| Construction Site Offices/Trailers/Containers.(Inspection required)                      | One Time Sevice                          | \$150.00            | \$150.00            |
| Construction Site Fuel Tanks (Inspection required)                                       | One Time Sevice per tank                 |                     | \$100.00            |
| Fireworks Display/Show                                                                   | Per Site                                 | \$600.00            | \$1,000.00          |
| <b>All Fire Plans Review Fees</b>                                                        | <del>(50% of total Permit Cost)</del>    |                     |                     |
| <b><del>Automatic Fire-extinguishing Systems</del> Fire Sprinkler System</b>             |                                          |                     |                     |
| <del>Automatic Fire-Extinguishing Systems (base fee)</del>                               | <del>100 or Fewer Heads</del>            | <del>\$15.00</del>  | <del>\$150.00</del> |
| <del>Automatic Fire-extinguishing Systems (base fee)</del>                               | <del>101 or more heads-</del>            | <del>\$150.00</del> | <del>\$200.00</del> |
| Plans Review Fee                                                                         | (50% of total Permit Cost)               |                     |                     |
| Number of Sprinkler Heads                                                                | per Sprinkler Head                       |                     | \$5.00              |
| Number of Tamper Devices                                                                 | per Tamper Device                        |                     | \$5.00              |
| Number of Flow Devices                                                                   | per Flow Device                          |                     | \$5.00              |
| Jockey Pump                                                                              |                                          |                     | \$50.00             |
| Fire Pump Acceptance Test                                                                |                                          |                     | \$100.00            |
| Fire Pump Acceptance Test (Re-test)                                                      |                                          |                     | \$150.00            |
| Number of Hose Valves                                                                    | per hose valve                           |                     | \$10.00             |
| Combined Sprinkler and Standpipe                                                         | per Combined Sprinkler and Standpipe     |                     | \$50.00             |
| Hydrostatic Test                                                                         | (Fee will be charged for each test)      |                     | \$100.00            |
| <del>Fee per riser-</del>                                                                |                                          | <del>\$60.00</del>  | <del>\$60.00</del>  |
| <del>Fee per fire pump-</del>                                                            |                                          | <del>\$75.00</del>  | <del>\$75.00</del>  |
| <del>Fee per storage tank-</del>                                                         |                                          | <del>\$100.00</del> | <del>\$100.00</del> |
| <del>Fee per jockey pump-</del>                                                          |                                          | <del>\$25.00</del>  | <del>\$50.00</del>  |
| <del>Fee for Hydrostatic/Visaul testing-</del>                                           |                                          | <del>\$50.00</del>  | <del>\$100.00</del> |
| <b><del>Automatic Fire-extinguishing Systems (Commercial Cooking/Wet systems)-</del></b> |                                          |                     |                     |

| City of Manvel Fire Marshal's Office Fee Schedule                                        |                                     |                     |                     |
|------------------------------------------------------------------------------------------|-------------------------------------|---------------------|---------------------|
| <b>Fire Service Underground Main, Fire/Private Hydrants/Storage Tanks</b>                |                                     |                     |                     |
| Plans Review Fee                                                                         | (50% of total Permit Cost)          |                     |                     |
| Fire Service Underground Main                                                            |                                     |                     | \$100.00            |
| Storage Tanks                                                                            |                                     |                     | \$150.00            |
| Hydrant                                                                                  | Per Hydrant                         |                     | \$50.00             |
| Hydrostatic Test                                                                         | (Fee will be charged for each test) |                     | \$100.00            |
| Re-Test Fee                                                                              |                                     |                     | \$175.00            |
| <b>Fixed Suppression System (Commercial Cooking Hood, Spray Booth or Room)</b>           |                                     |                     |                     |
| Plans Review Fee                                                                         | (50% of total Permit Cost)          |                     |                     |
| Automatic Fire-extinguishing Systems                                                     | Fixed Systems                       | <del>\$100.00</del> | \$150.00            |
| Number of Nozzles                                                                        | Plus Additional per Head 2.00       | <del>\$2.00</del>   | \$5.00              |
| Number of Audio/Visual Devices                                                           |                                     |                     | \$5.00              |
|                                                                                          | Per device                          | <del>\$2.00</del>   | <del>\$3.00</del>   |
| <del>Fee for blow-off and function test</del> System Test                                |                                     | <del>\$25.00</del>  | \$100.00            |
| Re-Test Fee                                                                              |                                     |                     | \$175.00            |
| <b><del>Fire Alarm/Detection Related Equipment</del> Fire Alarm and Detection System</b> |                                     |                     |                     |
| <del>Fire Alarm/Detection Related Equipment</del>                                        | <del>Fee Per FACP</del>             | <del>\$75.00</del>  | <del>\$150.00</del> |
| <del>Fire Alarm/Detection Related Equipment</del>                                        | <del>Fee Per Device</del>           | <del>\$2.00</del>   | <del>\$3.00</del>   |
| <del>Fire Alarm/Detection Related Equipment</del>                                        | <del>Fee for function test</del>    | <del>\$50.00</del>  | <del>\$100.00</del> |
| Plans Review Fee                                                                         | (50% of total Permit Cost)          |                     |                     |
| Number of Smoke Detectors                                                                | Per Device                          |                     | \$5.00              |
| Number of Duct Detectors                                                                 | Per Device                          |                     | \$5.00              |
| Number of Heat Activated Devices                                                         | Per Device                          |                     | \$5.00              |
| Number of Manual Pull Devices                                                            | Per Device                          |                     | \$5.00              |
| Number of Releasing Devices                                                              | Per Device                          |                     | \$5.00              |
| Number of Audio/Visual Devices                                                           | Per Device                          |                     | \$5.00              |
| Number of Additional Devices (i.e., Relay/Modules, etc.)                                 | Per Device                          |                     | \$5.00              |
| Remote Annunciator                                                                       | Each                                |                     | \$50.00             |
| Emergency Public Address                                                                 | Per Floor                           |                     | \$50.00             |
| (For first 10 floors and \$5.00 per floor thereafter)                                    | Per Floor                           |                     | \$5.00              |
| Re-Test Fee                                                                              |                                     |                     | \$175.00            |
| <b>Flammable and Combustible Liquids</b>                                                 |                                     |                     |                     |
| Plans Review Fee                                                                         | 50% of the total permit cost        |                     |                     |
| Pipeline                                                                                 |                                     | \$500.00            | \$600.00            |
| Aboveground Storage tank install                                                         |                                     | \$200.00            | \$250.00            |
| Aboveground Storage tank repair and/or removal                                           |                                     | \$50.00             | \$100.00            |
| Underground Storage tank install                                                         |                                     | \$400.00            | \$400.00            |
| Underground Storage tank repair and/or removal                                           |                                     | \$100.00            | \$100.00            |

| City of Manvel Fire Marshal's Office Fee Schedule              |                                         |                     |                     |
|----------------------------------------------------------------|-----------------------------------------|---------------------|---------------------|
| Construction Site Fuel Tank (Inspection required)              | One Time Service per Tank               |                     | \$100.00            |
| Re-Test Fee                                                    |                                         |                     | \$175.00            |
| Oil/Gas Well Drilling                                          | Construction Site                       |                     | \$1,000.00          |
| Oil/Gas Well Workover/Recompletions                            | Construction Site                       |                     | \$500.00            |
| Hazardous Materials                                            | Storage                                 |                     | \$200.00            |
| LP-Gas                                                         | Storage                                 |                     | \$100.00            |
| <del>Spraying or Dipping</del>                                 | <del>Building/Booths</del>              |                     | <del>\$150.00</del> |
| <b>Compressed Gas, Hazardous Material and Industrial Ovens</b> |                                         |                     |                     |
| Plans Review Fee                                               | 50% of the total permit cost            |                     |                     |
| Compressed Gas                                                 | Per System                              |                     | \$150.00            |
| Hazardous Material                                             |                                         |                     | \$450.00            |
| Industrial Ovens                                               |                                         |                     | \$200.00            |
| Re-Test Fee                                                    |                                         |                     | \$175.00            |
| <del><b>Hazardous Material Permit-</b></del>                   |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Permit fee-</del>                                         |                                         | <del>\$250.00</del> | <del>\$450.00</del> |
| <del><b>Industrial Ovens</b></del>                             |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Permit fee-</del>                                         |                                         | <del>\$200.00</del> | <del>\$200.00</del> |
| <del><b>LP-Gas</b></del>                                       |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Permit fee-</del>                                         |                                         | <del>\$250.00</del> | <del>\$250.00</del> |
| <del><b>Private Fire Hydrant System-</b></del>                 |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Permit fee per hydrant</del>                              |                                         | <del>\$25.00</del>  | <del>\$50.00</del>  |
| <del>Fee for Hydrosstatic testing-</del>                       |                                         | <del>\$50.00</del>  | <del>\$100.00</del> |
| <del><b>Spraying or Dipping</b></del>                          |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Fee per system-</del>                                     |                                         | <del>\$100.00</del> | <del>\$100.00</del> |
| <del>Fee per device-</del>                                     |                                         | <del>\$2.00</del>   | <del>\$2.00</del>   |
| <del>Fee for blow-off and function testing-</del>              |                                         | <del>\$25.00</del>  | <del>\$50.00</del>  |
| <del><b>Standpipe Systems</b></del>                            |                                         |                     |                     |
| <del>Plans review fee-</del>                                   | <del>50% of the total permit cost</del> |                     |                     |
| <del>Class I system-</del>                                     |                                         | <del>\$100.00</del> | <del>\$100.00</del> |
| <del>Class II system</del>                                     |                                         | <del>\$100.00</del> | <del>\$100.00</del> |
| <del>Class III system</del>                                    |                                         | <del>\$100.00</del> | <del>\$100.00</del> |
| <del>Fee for Hydrosstatic testing-</del>                       |                                         | <del>\$50.00</del>  | <del>\$100.00</del> |

| City of Manvel Fire Marshal's Office Fee Schedule           |                              |                    |                   |
|-------------------------------------------------------------|------------------------------|--------------------|-------------------|
| <del>Temporary Membrane Structures, Tents and Canopys</del> |                              |                    |                   |
| Temporary Booth, Membrane Structures and Tents              |                              |                    |                   |
| Plans Review Fee                                            | 50% of the total permit cost |                    |                   |
| Temporary Membrane Structures                               |                              | \$200.00           | \$250.00          |
| Tent and Canopy 201 to 300 square feet                      |                              | \$25.00            | \$50.00           |
| Tent and Canopy 301 to 600 square feet                      |                              | \$50.00            | \$75.00           |
| Tent and Canopy 601 to 1,000 square feet                    |                              | \$75.00            | \$100.00          |
| Tent and Canopy over 1,001 square feet                      |                              | \$100.00           | \$150.00          |
| <b>Annual Fire Inspections</b>                              |                              |                    |                   |
| Commercial/Public                                           | Initial Inspection           |                    | \$0.00            |
| Commercial/Public                                           | 1st. Re-Inspection           | \$100.00           | \$0.00            |
| Commercial/Public                                           | 2nd Re-Inspection            | \$200.00           | \$100.00          |
| Commercial/Public                                           | 3rd Re-Inspection            | \$300.00           | \$200.00          |
| Foster Home                                                 | Licensed 1-3                 |                    | \$25.00           |
| Foster Home                                                 | Licensed 3 or more           |                    | \$50.00           |
| Group Home                                                  | Licensed 1-6                 |                    | \$50.00           |
| Group Home                                                  | Licensed 7-12                |                    | \$100.00          |
| <del>Group Homes/Foster Homes</del>                         | <del>Licensed 1-6</del>      | <del>\$25.00</del> | <del>\$0.00</del> |
| <del>Group Homes/Foster Homes</del>                         | <del>Licensed 7-12</del>     | <del>\$25.00</del> | <del>\$0.00</del> |
| Multi-family Residences/Hotels/Motels                       | 3-20 Dwellings               |                    | \$200.00          |
| Multi-family Residences/Hotels/Motels                       | 21 or more Dwelling Units    |                    | \$350.00          |
| Hospitals/Nursing Homes Providing 24-Hour Care              | Licensed 1-99 beds           |                    | \$300.00          |
| Hospitals/Nursing Homes Providing 24-Hour Care              | Licensed 100-199 Beds        |                    | \$400.00          |

| City of Manvel Fire Marshal's Office Fee Schedule                                      |                                                         |          |                    |
|----------------------------------------------------------------------------------------|---------------------------------------------------------|----------|--------------------|
| Hospitals/Nursing Homes Providing 24-Hour Care                                         | Licensed 200-or more Beds                               |          | \$500.00           |
| Other 24-Hour Care Facilities                                                          | Licensed for 1-3 Occupants                              |          | \$100.00           |
| Other 24-Hour Care Facilities                                                          | Licensed for 4-16 Occupants                             |          | \$175.00           |
| Other 24-Hour Care Facilities                                                          | Licensed for 17-25 Occupants                            |          | \$250.00           |
| Other 24-Hour Care Facilities                                                          | Licensed for 26 or more Occupants                       |          | \$325.00           |
| <del>Standpipe Systems</del>                                                           |                                                         |          | <del>\$50.00</del> |
| <del>(D) Operational Permits</del> Required Operational Permits                        | Per-year expire Jan 31st. Annual from month of issuance |          |                    |
| Aerosol Products                                                                       |                                                         | \$150.00 | \$150.00           |
| Amusement Building                                                                     |                                                         | \$50.00  | \$75.00            |
| Aviation Facilities                                                                    |                                                         | \$450.00 | \$450.00           |
| Carnivals & Fairs                                                                      |                                                         | \$100.00 | \$500.00           |
| Battery Systems                                                                        |                                                         | \$150.00 | \$150.00           |
| Cellulose Nitrate Film                                                                 |                                                         | \$500.00 | \$500.00           |
| Combustible Dust-Producing Operations                                                  |                                                         | \$150.00 | \$150.00           |
| Combustible Fibers                                                                     |                                                         | \$150.00 | \$150.00           |
| Compressed Gases                                                                       |                                                         | \$150.00 | \$150.00           |
| Covered Mall Building                                                                  |                                                         | \$450.00 | \$450.00           |
| Cryogenic Fluids                                                                       |                                                         | \$150.00 | \$150.00           |
| Cutting and Welding                                                                    |                                                         | \$50.00  | \$50.00            |
| Day Care Centers (Licensed Facilities Providing Less Than 24 Hour Care)                | 1-50 children                                           |          | \$75.00            |
| Day Care Centers (Licensed Facilities Providing Less Than 24 Hour Care)                | 50-99 children                                          |          | \$100.00           |
| Day Care Centers (Licensed Facilities Providing Less Than 24 Hour Care)                | 100-149 children                                        |          | \$125.00           |
| Day Care Centers (Licensed Facilities Providing Less Than 24 Hour Care)                | 150 or more children                                    |          | \$150.00           |
| Dry Cleaning Plants                                                                    |                                                         | \$150.00 | \$150.00           |
| Exhibits and Trade Shows                                                               |                                                         | \$5.00   | \$75.00            |
| Explosives                                                                             |                                                         | \$450.00 | \$500.00           |
| Flammable and Combustible Liquids (Includes Aboveground and Underground Storage Tanks) |                                                         | \$150.00 | \$150.00           |
| Floor Finishing                                                                        |                                                         | \$50.00  | \$50.00            |
| Fruit and Crop Ripening                                                                |                                                         | \$150.00 | \$50.00            |
| Fumigation and Thermal Insecticide Fogging                                             |                                                         | \$100.00 | \$100.00           |
| Hazardous Materials                                                                    |                                                         | \$450.00 | \$450.00           |
| Hazardous Production Materials Facilities                                              |                                                         | \$450.00 | \$450.00           |
| High-piled Storage                                                                     |                                                         | \$300.00 | \$300.00           |
| Hot work Operations                                                                    |                                                         | \$50.00  | \$100.00           |
| Industrial Ovens                                                                       |                                                         | \$150.00 | \$250.00           |
| Lumber Yards and Woodworking Plants                                                    |                                                         | \$250.00 | \$250.00           |
| Liquid/Gas-fueled Vehicles/Equipment in Assembly Building                              |                                                         | \$50.00  | \$100.00           |
| LP Gas                                                                                 |                                                         | \$250.00 | \$200.00           |

| City of Manvel Fire Marshal's Office Fee Schedule                                                                                                                                                             |                           |                     |                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------|---------------------|
| Magnesium                                                                                                                                                                                                     |                           | \$250.00            | \$250.00            |
| Miscellaneous Combustible Storage                                                                                                                                                                             |                           | \$150.00            | \$150.00            |
| Motor Fuel-dispensing Facilities                                                                                                                                                                              |                           |                     | \$150.00            |
| Open Burning                                                                                                                                                                                                  | See Open Burning Category |                     | \$*** **            |
| Organic Coatings                                                                                                                                                                                              |                           | \$150.00            | \$150.00            |
| <del>Places of Assembly</del>                                                                                                                                                                                 |                           | <del>\$100.00</del> | <del>\$100.00</del> |
| Assembly A                                                                                                                                                                                                    | Occupant Load 50-300      |                     | \$100.00            |
| Assembly B                                                                                                                                                                                                    | Occupant Load 301-1000    |                     | \$150.00            |
| Assembly C                                                                                                                                                                                                    | Occupant Load over 1000   |                     | \$200.00            |
| Private Fire Hydrants                                                                                                                                                                                         |                           | \$25.00             | \$50.00             |
| Pyrotechnic Special Effects Material                                                                                                                                                                          |                           | \$150.00            | \$150.00            |
| Pyroxylin Plastics                                                                                                                                                                                            |                           | \$250.00            | \$250.00            |
| Refrigeration Equipment                                                                                                                                                                                       |                           | \$150.00            | \$150.00            |
| Repair Garages and Motor Fuel-dispensing Facilities                                                                                                                                                           |                           | \$150.00            | \$150.00            |
| Rooftop Heliports                                                                                                                                                                                             |                           | \$50.00             | \$100.00            |
| Spraying or Dipping                                                                                                                                                                                           |                           | \$50.00             | \$100.00            |
| Storage of Scrap Tires and Tire Byproducts                                                                                                                                                                    |                           | \$150.00            | \$350.00            |
| Tire Rebuilding Plants                                                                                                                                                                                        |                           | \$250.00            | \$500.00            |
| Waste Handling                                                                                                                                                                                                |                           | \$150.00            | \$150.00            |
| Wood Products                                                                                                                                                                                                 |                           | \$150.00            | \$150.00            |
| <b>(E) Double Permit Fee</b>                                                                                                                                                                                  |                           |                     |                     |
| <del>The fire code official may impose a double permit fee when an activity, condition or occupancy requiring a permit exists and no permit has been issued by the fire official.</del>                       |                           |                     |                     |
|                                                                                                                                                                                                               |                           |                     |                     |
| <b>If it is determined by the fire code official that an activity, condition or occupancy requiring a permit exists and no permit has been issued, the fire code official may impose a double permit fee.</b> |                           |                     |                     |
|                                                                                                                                                                                                               |                           |                     |                     |
| <b><i>If a New Installation, Renovation/Additions to Existing System, or Repair is completed without an approved permit, then double fees shall be added to the permit fee total.</i></b>                     |                           |                     |                     |



CITY OF MANVEL  
FIRE MARSHAL'S OFFICE  
INSPECTIONS \* INVESTIGATIONS  
20025 Hwy 6 Manvel, TX 77578  
(281) 489-0630 Fax (281)-498-0634



## City of Manvel Fire Marshal's Office Fee Schedule Changes Comments

13-Jun-22

### Comments:

- Health Inspections moved under Code Enforcement
- Fire Protection Plans Review changed to each type of Fire Protection System
  - Previously all Fire Protection System fees listed as “All Fire Plans Review Fees” has changed based on Fire Protection Systems type
- Automatic Fire-extinguishing Systems changed to Fire Sprinkler System
  - Changes include the following:
    - Fees set as per device count
    - Added lines items for specific devices and additional testing
- Relocated from Automatic Fire-extinguishing Systems to separate fee group include the following:
  - Fire Service Underground Main, Fire/Private Hydrants/Storage Tanks
  - Fixed Suppression System (Commercial Cooking Hood, Spray Booth or Room)
    - Added lines items for specific devices and additional testing
  - Fire Alarm/Detection Related Equipment changed to Fire alarm and Detection System
    - Added lines items for specific devices and additional testing
- Hazardous Material Permit to Flammable, Combustible Liquids, other Industrial Products and Systems and changes include the following:
  - Relocated as separate permit
  - Revised the sections to Flammable and Combustible Liquids and Compressed Gas, Hazardous Material and Industrial Ovens
    - Added lines items for specific devices and additional testing
- Temporary Booth, Membrane Structures and Tents
  - Relocated as separate permit
- Annual Fire Inspections
  - Some sections separated
  - Added sections for Other 24-Hour Care Facilities
- Operational Permits changed to Required Operational Permits
  - Permit application changed from Per year expire Jan 31<sup>st</sup> to Annual from month of issuance
  - Added Day Care Centers based on number of children
  - Place of Assembly changed to Assembly A, Assembly B and Assembly C

Joe Murray  
Fire Marshal

**RESOLUTION NO. 2022-R-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL,  
TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND  
OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND  
OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS  
IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.**

\* \* \* \* \*

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

**Section 1.** That certain “**FEE SCHEDULE – June 20, 2022,**” a true and correct copy of which is attached hereto as Exhibit “A,” and for all things is made a part of this Resolution, is hereby in all things adopted. The fees set forth in said Exhibit “A” shall be applicable beginning \_\_\_\_\_, 2022.

**Section 2.** That certain “**FIRE PROTECTION AND PREVENTION – June 20, 2022**” fee schedule, a true and correct copy of which is attached hereto as Exhibit “B,” and for all things is made a part of this Resolution, is hereby in all things adopted. The fees set forth in said Exhibit “B” shall be applicable beginning \_\_\_\_\_, 2022.

**Section 3.** All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

RESOLVED, this the \_\_\_\_\_, day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

## CITY OF MANVEL FEE SCHEDULE JUNE 20, 2022

### ZONING

|                                              |                               |
|----------------------------------------------|-------------------------------|
| OCCUPANCY PERMITS, NON-RESIDENTIAL           |                               |
| CHANGE OF USE / TENANCY                      | \$1509.00                     |
| REGISTRATION FOR NEWLY ANNEXED BUSINESSES    | \$0                           |
| TEMPORARY BUSINESS PERMITS                   | \$50.00                       |
| INTERPRETATION FROM ZONING OFFICIAL          | \$50.00                       |
| RE-ZONING APPLICATION                        | \$1,800.00                    |
| SPECIFIC USE PERMIT FEE                      | \$1,500.00                    |
| APPEAL TO THE ZONING BOARD OF ADJUSTMENT     | \$750.00                      |
| PLANNED UNIT DEVELOPMENT (PUD)               |                               |
| PUBLIC NOTICE FEE                            | \$150.00                      |
| SMALL PUD                                    | \$4,000.00                    |
| MEDIUM PUD                                   | \$4,000.00 plus \$40.00/acre  |
| LARGE PUD (LESS THAN 1,000 ACRES OR GREATER) | \$10,000.00 plus \$30.00/acre |
| LARGE PUD (GREATER THAN 1,000 ACRES)         | \$20,000.00 plus \$20.00/acre |
| PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT     | \$500.00                      |

### CITY PLANNING

|                                                  |                                                    |                     |
|--------------------------------------------------|----------------------------------------------------|---------------------|
| PRELIMINARY PLAT                                 | \$750.00                                           |                     |
|                                                  | + \$10/lot and \$15/acre or fraction in reserves   |                     |
| FINAL PLAT                                       | \$750.00                                           |                     |
|                                                  | + \$25 / LOT and \$15/acre or fraction in reserves |                     |
| MASTER PLAN                                      |                                                    |                     |
| 50 ACRES TO 100 ACRES                            | \$1,000.00                                         |                     |
| 101 ACRES OR MORE                                | \$2,000.00                                         |                     |
| REPLATTING CHARGES WHEN A PUBLIC HEARING IS HELD |                                                    |                     |
| WITH NOTIFICATION                                | Advertising Fee                                    | \$75.00             |
|                                                  | Per Mailing Notification Fee                       | \$1.00              |
| WITHOUT NOTIFICATION                             |                                                    | \$75.00             |
| DEVELOPMENT PLAT                                 | \$750.00                                           | PLUS \$15/ACRE      |
| MINOR PLAT OR AMENDING PLAT                      | \$500.00                                           |                     |
| <del>PRELIMINARY</del> PLAT EXTENSION (6 MONTHS) |                                                    | NO CHARGE           |
| RECORDING FEES WITH BRAZORIA COUNTY              |                                                    |                     |
| - ACTUAL COST OF RECORDING, PLUS                 | \$30.00                                            |                     |
| PLAT RE-SUBMITTAL                                | \$200.00 each                                      |                     |
| <del>RE-CHECK FEE</del>                          | <del>VERIFICATION OF CORRECTIONS</del>             | <del>\$250.00</del> |
| VARIANCE TO THE SUBDIVISION ORDINANCE            | \$500.00                                           |                     |
| VARIANCE TO THE DESIGN CRITERIA MANUAL           | \$200.00                                           |                     |

**ENGINEERING**

PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.  
 \$500.00 base plus \$50.00 per document page larger than legal size sheets  
 RESUBMITTALS FOR PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS  
 (After second submittal) \$250.00 base plus \$10.00 per document page  
  
 PLAN REVIEW FOR BINDERS (every ten (10) sheets equal 1 document page)  
 \$500.00 base plus \$5.00 per legal size or smaller sheets  
  
  
 CIVIL SITE IMPROVEMENTS, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.  
 \$1,000.00 flat fee for projects up to and including \$100,000.00.  
 Over \$100,000.00- \$1,000.00 plus \$8.00 for each thousand over \$100,000.00

RE-CHECK FEE or VERIFICATION OF CORRECTIONS \$250.00

**ENVIRONMENTAL HEALTH**

Onsite Septic System permits  
 Residential \$250.00  
 Commercial \$410.00  
 On site evaluation \$50.00  
 (This will be an inspection to make sure a septic system is working properly)

**BUILDING DEPARTMENT - ALL PERMITS EXPIRE AT 180 DAYS UNLESS NOTED OTHERWISE**

**CONSTRUCTION PERMITS RESIDENTIAL AND COMMERCIAL**

Minimum permit fee \$50.00  
 Commercial Construction Permit Application Fee (values greater than \$10,000) \$50.00  
 \$15.00 for the first \$1,000.00 of construction value plus;  
 \$5.00 per thousand, up to and including \$50,000.00  
 \$260 for the first \$50,000.00 plus \$4 per additional thousand  
 \$460 for the first \$100,000.00 plus \$3 per additional thousand  
 \$1,660 for the first \$500,000.00 plus \$2 per additional thousand

Residential Construction Permit Application Fee \$0.40/sq. ft.

**\$70.00** FOR DETACHED GARAGES OR NATIONALLY RECOGNIZED COST ESTIMATING BOOK

PLAN REVIEW FEE ½ OF THE BUILDING PERMIT FEE

RESIDENTIAL STREAMLINE PERMITS FEE FOR ELECTRICAL, PLUMBING AND HVAC; FEE  
 WILL BE A MINIMUM OF 25 % OF THE BUILDING PERMIT FEE FOR EACH CATEGORY

REVIEW FOR ELEVATION CERTIFICATES INCLUDED IN NEW CONSTRUCTION PERMIT (3  
 TOTAL (at start, at pre-pour and final) PER CERTIFICATE \$50.00

REVIEW FOR ELEVATION CERTIFICATES NOT INCLUDED IN NEW CONSTRUCTION  
 PER CERTIFICATE \$65.00

MANUFACTURED AND MODULER HOMES \$0.30/sq. ft.

**IMPACT FEES: (2021-R-26)**

| Meter Size | Meter Type   | Service Unit Equivalent | Impact Fees |            |           |
|------------|--------------|-------------------------|-------------|------------|-----------|
|            |              |                         | Water       | Wastewater | Total     |
| 3/4"       | Displacement | 1.0                     | \$2,441     | \$7,107    | \$9,548   |
| 1"         | Displacement | 1.6                     | \$3,906     | \$11,371   | \$15,277  |
| 1-1/2"     | Turbine      | 4.0                     | \$9,766     | \$28,428   | \$38,194  |
| 2"         | Turbine      | 6.4                     | \$15,625    | \$45,484   | \$61,109  |
| 3"         | Displacement | 12.8                    | \$31,251    | \$90,969   | \$122,220 |
| 4"         | Displacement | 20.0                    | \$48,830    | \$142,140  | \$190,970 |
| 6"         | Displacement | 40.0                    | \$97,660    | \$284,280  | \$381,940 |
| 8"         | Displacement | 64.0                    | \$156,256   | \$454,848  | \$611,104 |
| 10"        | Displacement | 92.0                    | \$224,618   | \$653,844  | \$878,462 |

**\*\*CARPORTS** (see below), POLE BARNs, SHEDs, ELEVATED DECKs 30" OR HIGHER, ETC...  
(NON-LIVING AREAS OVER 200 SQ FEET – OUTSIDE THE FLOOD ZONE)  
**(\*\*CARPORTS – metal pre-fab structure, open on all four sides, 400 sq. feet or less over parking area, does NOT require a permit)**

MINIMUM \$50.00  
Plus Plan Review (if required)

**ADDITIONALLY, CARPORTS (DETACHED) OF AREA LESS THAN 600 SQUARE FEET ARE STILL REQUIRED TO BE PERMITTED, BUT ARE EXEMPT FROM THE PAYMENT OF THE PERMIT FEE, WITH THE FOLLOWING CONDITIONS: (SEE ORDINANCE 2016-O-05)**

*1) Less than 600 square feet in area; 2) Enclosed on no more than 2 sides; 3) Unfinished on the interior; 4) No utilities connected to the structure; 5) Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas); 6) Must be detached from residential structure; 7) Must be firmly anchored to prevent floatation, collapse, and lateral movement; 8) Must abide by the same setbacks as required by zoning on the property; 9) No elevation certificate is required; and 10) A site drawing (can be hand drawn) is required to show where the structure will be located.*

FEE No Cost

ELECTRICAL AND PLUMBING PERMITS PULLED SEPARATELY, THE BASE FEE IS APPLIED, PLUS ANY ADDITIONAL COST ITEMS LISTED ON THE APPLICATION.

|                                                                 |          |                                    |          |
|-----------------------------------------------------------------|----------|------------------------------------|----------|
| PLUMBING PERMITS                                                | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| ELECTRICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| MECHANICAL PERMITS                                              | BASE FEE | REPAIRS                            | \$100.00 |
|                                                                 |          | RESIDENTIAL (New & Add-Ons)        | \$150.00 |
|                                                                 |          | COMMERCIAL (New & Add-Ons)         | \$200.00 |
| RENEWAL BUILDING PERMITS                                        |          | RESIDENTIAL INDIVIDUAL PERMIT      | \$150.00 |
|                                                                 |          | NEW HOME PERMIT (4 PERMITS IN ONE) | \$300.00 |
|                                                                 |          | COMMERCIAL PERMIT                  | \$300.00 |
| RE-INSPECTION FEES FOR FAILED WITH PENALTY (PAYABLE IN ADVANCE) |          |                                    |          |
|                                                                 |          | RESIDENTIAL                        | \$50.00  |
|                                                                 |          | COMMERCIAL                         | \$100.00 |

| PERMITS                                                      | Residential/<br>General Fee | Commercial | Notes                                                                                                                          |
|--------------------------------------------------------------|-----------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------|
| Culvert (Per Crossing)                                       | \$100.00                    | \$100.00   |                                                                                                                                |
| Demolition permits                                           | \$50.00                     | \$50.00    |                                                                                                                                |
| Display permits (per unit)                                   | \$50.00                     |            | Annual renewal from date of issue. Inspections done on anchoring and location of display. Electrical permits pulled separately |
| Driveway Permit                                              | \$100.00                    | \$150.00   | <del>For commercial property fronting a state maintained road (Highway 6, State highway 288 and FM 1128)</del>                 |
| Driveway Permit (TXDOT)                                      |                             | \$500.00   | Commercial properties fronting on a State maintained road                                                                      |
| <del>Fill-Dirt</del> Development Permit (in Floodplain)      | \$500.00                    |            | Property located in a floodplain or property not in a floodplain that has reached 20 loads with approved permit.               |
| <del>Fill-Dirt</del> Development Permit (outside Floodplain) | \$15.00                     |            | Property outside the floodplain up to 20 loads                                                                                 |
| Irrigation (Base)                                            | \$140.00                    | \$200.00   |                                                                                                                                |
| Pond permits                                                 | \$50.00                     | N/A        |                                                                                                                                |
| Sign Permits                                                 | \$100.00                    |            |                                                                                                                                |
| Review fee                                                   | \$50.00                     |            |                                                                                                                                |
| Sign Permit – Misc.                                          | \$-0-                       | N/A        | Political and non-profit signs                                                                                                 |
| Swimming Pool (Based on value of Pool)                       |                             |            | Electrical and plumbing can be included in one permit, fee is based on a minimum of 25 % of the permit fee                     |
| Water Wells                                                  | \$50                        |            |                                                                                                                                |

#### ANNUAL PERMITS

EXPIRE ON DEC. 31<sup>ST</sup> EACH YEAR

|                                             | <u>FEE</u> | <u>NOTES</u>                                                      |
|---------------------------------------------|------------|-------------------------------------------------------------------|
| Ambulance Provider License                  | \$500.00   |                                                                   |
| EMS Vehicle (per Ambulance Charge)          | \$100.00   |                                                                   |
| Beer and Wine                               |            | not to exceed ½ of TABC license fee                               |
| Burn (Residential)                          | \$15.00    |                                                                   |
| <u>Manufactured Home Community</u>          |            |                                                                   |
| Annual Fee                                  | \$100.00   |                                                                   |
| Plus per space fee                          | \$5.00     |                                                                   |
| <u>Pet Registration** (Police Dept.)</u>    |            | **The pet licenses expire one year from the <u>date of issue.</u> |
| If spayed or neutered                       | \$5.00     |                                                                   |
| <b>without proof</b> not spayed or neutered | \$10.00    |                                                                   |
| Pet impound fee (first day)                 | \$30.00    |                                                                   |
| Each additional day impound                 | \$5.00     |                                                                   |

ROW (Ordinance 2011-O-22)

Use of public right-of-way or City property

Right-of way crossing

Right-of way, first year per rod

\$1,000.00 (per crossing per year)

Annual renewal, per rod

\$21.00

\$7.50

RV Park License

Annual fee

\$100.00

Plus per space fee

\$5.00

Solicitor Permit

30 day renewal, passport picture required

\$50.00

First Person

\$25.00

Additional Person

Storage Facility

\$250.00

Wrecker Permits - Per wrecker charge

\$100.00

Hotel Operation License\*

\$100.00

\*annual permit expires per adopted ordinance

Coin Operated Machine Tax

\$50.00

per Machine

Health Inspections/Permits

Mobile Food Unit

\$200.00

per Unit

Food Establishment – Small (< 1,000 sf.)

\$200.00

Bi-Annual Site Inspection

Food Establishment – Medium (1,001-10,000 sf.)

\$400.00

Bi-Annual Site Inspection

Food Establishment – Large (>10,000 sf.)

\$600.00

Bi-Annual Site Inspection

Non-Profit Organizations\*

\$100.00

Bi-Annual Site Inspection

Day Care Center

\$150.00

Bi-Annual Site Inspection

Group Residence (institution)

\$150.00

Bi-Annual Site Inspection

Ownership Change Food Establishment

Small (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$200.00

Site Inspection

Medium (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$400.00

Site Inspection

Large (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$600.00

Site Inspection

Small (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$100.00

Site Inspection

Medium (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$200.00

Site Inspection

Large (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$300.00

Site Inspection

Non-Profit Organizations (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$100.00

Site Inspection

Non-Profit Organizations (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$50.00

Site Inspection

Day Care Center (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Day Care Center (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Group Residence (full year July 1<sup>st</sup> to December 31<sup>st</sup>)

\$150.00

Site Inspection

Group Residence (6 months – January 1<sup>st</sup> to June 30<sup>th</sup>)

\$75.00

Site Inspection

Temporary Food Establishment

\$50.00

Site Inspection

Re-Inspections

\$150.00

Re-Inspection

Owner Initiated Inspection

\$150.00

Re-Inspection

\*supporting documentation required

**FRANCHISE FEES (Pipeline Ordinance 2011-O-22)**

Pipeline Registration Fee

\$100.00

Deposit

\$5,000.00

Franchise Administrative Application fee

\$500.00

City Inspection Fee

\$150.00 / HR

**RENTAL REGISTRATION AND INSPECTIONS (Rental Ordinance 2013-O-06)**

|                                                                              |                         |
|------------------------------------------------------------------------------|-------------------------|
| <b>Annual Rental Permit Fee</b>                                              | <b>\$50.00 per unit</b> |
| Initial inspection, re-inspection                                            | no charge               |
| All subsequent re-inspections                                                | \$250.00                |
| Untimely registration fee from 10/1/2013                                     |                         |
| Within 30 days after date set in section 17-426                              | \$300.00                |
| after 30 <sup>th</sup> day before 60 <sup>th</sup> day set in section 17-426 | \$375.00                |
| after 60 <sup>th</sup> day set in section 17-426                             | \$450.00                |
| Failure to register mandatory inspection fee                                 | \$500.00                |
| (includes initial inspection and one re-inspection)                          |                         |
| Additional Re-Inspections                                                    | \$250.00                |

**SMALL CELL WIRELESS FACILITIES (Ordinance 2017-O-30) Application Fee**

| <b><u>Network Node</u></b>                                       | <b><u>Fee</u></b> |                       |
|------------------------------------------------------------------|-------------------|-----------------------|
| Fee per application for up to 5 network nodes                    | \$500.00          |                       |
| Additional network nodes (up to 30 per application) support pole | \$250.00          |                       |
| Node support pole (per application for each pole)                | \$1,000.00        |                       |
| <b><u>Transport Facility</u></b>                                 |                   |                       |
| Fee per application                                              | \$500.00          | 1-5 network nodes     |
| Additional network nodes                                         | \$250.00          | 1-30 additional nodes |

**Annual Small Cell Wireless Facilities Fee (Ordinance 2017-O-30)**

|                                                                                                                                       |                 |                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Network node per network site support pole                                                                                            | \$250.00        |                                                                                                                                                          |
| No separate rate from the network node annual fee (each support pole should have a network node attached) Transport facility per app. | \$28.00/monthly | (for each network node site, unless an equal or greater amount is paid to the City Under chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tx. Util. Code) |

**ALARMS (PERMITTED THROUGH THE MANVEL POLICE DEPT.)**

|                                                                                             |                                                                                   |                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------|
| <b><u>Burglar and Fire Alarm Systems (expire on December 31<sup>st</sup> each year)</u></b> |                                                                                   |                                                       |
| Residential Permit                                                                          | \$50.00 annually                                                                  | <i>*change of resident will require a new permit</i>  |
|                                                                                             | Pro-Rated Residential Alarm Permit                                                |                                                       |
|                                                                                             | \$50.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                    |                                                       |
|                                                                                             | \$25.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$12.50 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |
| Commercial Permit                                                                           | \$100.00 annually                                                                 | <i>*change of occupancy will require a new permit</i> |
|                                                                                             | Pro-Rated Commercial Alarm Permit                                                 |                                                       |
|                                                                                             | \$100.00 from January 1 <sup>st</sup> to March 31 <sup>st</sup>                   |                                                       |
|                                                                                             | \$50.00 from April 1 <sup>st</sup> to September 30 <sup>th</sup>                  |                                                       |
|                                                                                             | \$25.00 from October 1 <sup>st</sup> to December 31 <sup>st</sup> plus annual fee |                                                       |

**False Alarms**

|         |        |                                                                                                           |
|---------|--------|-----------------------------------------------------------------------------------------------------------|
| Burglar | 50.00  | <b><u>Burglar</u></b> - fee charged after 5 false alarms within 12 month period                           |
| Fire    | 100.00 | <b><u>Fire</u></b> - fee charged after 2 false within 12 month period                                     |
|         |        | Fee taken upon submittal of Burglar and Fire Alarm Systems Permit for Residential and Commercial Business |

**Fingerprint Fee**

|              |         |
|--------------|---------|
| Resident     | \$5.00  |
| Non-Resident | \$10.00 |

**CITY OF MANVEL PAYMENT OPTIONS AND CREDIT CARD PROCESSING FEES**

Municipal Court (Cash and Credit Cards – No checks accepted)

|                                                      |                             |
|------------------------------------------------------|-----------------------------|
| In person - Credit Card Convenience Fee              | 3.5 % of total transaction. |
| On line Credit Card Convenience Fee                  | \$6.50                      |
| Night Court payment paid through Square Incorporated | \$3.00 per \$100.00         |

Permit Department (Cash, credit cards and checks accepted)

|                             |                |
|-----------------------------|----------------|
| Credit Card Convenience Fee | 3.05% of total |
| transaction                 |                |

Police Department

|                                             |                     |
|---------------------------------------------|---------------------|
| Court payment paid thru Square Incorporated | \$3.00 per \$100.00 |
|---------------------------------------------|---------------------|

Utility payments (Cash, check and on-line through TX eCommerce)

| Fire Protection and Prevention - <b>June 20, 2022</b>                        |                                      |                     |
|------------------------------------------------------------------------------|--------------------------------------|---------------------|
| Resolution 2022-R-08 EXHIBIT B                                               |                                      |                     |
| Permit Type                                                                  | Additional Information               | Fee                 |
| Certificate of Occupancy (Change of Occupancy)                               | Fire Final Inspection                | \$150.00            |
| Open Burning                                                                 |                                      |                     |
| Commercial (Trench burn Only)                                                | Site Inspection                      | \$200.00            |
| Residential                                                                  | Site Inspection                      | \$15.00             |
| <b>Health Inspections/Permits</b>                                            |                                      |                     |
| Mobile Food Units-                                                           | Per unit (annually)                  | <del>\$200.00</del> |
| Food Establishments Under 1,000Sq-Ft                                         | Site inspection (by-annually)        | <del>\$200.00</del> |
| Food Establishments Over 1,000Sq-Ft                                          | Site inspection (by-annually)        | <del>\$300.00</del> |
| Day Care                                                                     | That serve Food (annually) Site insp | <del>\$150.00</del> |
| Day Cares                                                                    | Sanitation (annually)                | <del>\$150.00</del> |
| Re-Inspections                                                               | Re-Inspection                        | <del>\$150.00</del> |
| <b>Fire Inspections</b>                                                      |                                      |                     |
| Construction Site Offices/Trailers/Containers.(Inspection required)          | One Time Service                     | \$150.00            |
| Construction Site Fuel Tanks (Inspection required)                           | One Time Service per tank            | \$100.00            |
| Fireworks Display/Show                                                       | Per Site                             | \$1,000.00          |
| <b>All Fire Plans Review Fees</b>                                            | <b>(50% of total Permit Cost</b>     |                     |
| <b>Automatic Fire-extinguishing Systems</b>                                  |                                      |                     |
| Automatic Fire-extinguishing Systems (base fee)                              | 100 or Fewer Heads                   | \$150.00            |
| Automatic Fire-extinguishing Systems (base fee)                              | 101 or more heads                    | \$200.00            |
|                                                                              | Plus Additional per Head 2           | \$3.00              |
| Fee per riser                                                                |                                      | \$60.00             |
| Fee per fire pump.                                                           |                                      | \$75.00             |
| Fee per storage tank                                                         |                                      | \$100.00            |
| Fee per jockey pump                                                          |                                      | \$50.00             |
| Fee for Hydrostatic/Visual testing                                           |                                      | \$100.00            |
| <b>Automatic Fire-extinguishing Systems (Commercial Cooking/Wet systems)</b> |                                      |                     |
| Automatic Fire-extinguishing Systems                                         | Fixed Systems                        | \$150.00            |
|                                                                              | Per device                           | \$3.00              |
| Fee for blow-off and function test                                           |                                      | \$100.00            |
| <b>Fire Alarm/Detection Related Equipment</b>                                |                                      |                     |
| Fire Alarm/Detection Related Equipment                                       | Fee Per FACP                         | \$150.00            |
| Fire Alarm/Detection Related Equipment                                       | Fee Per Device                       | \$3.00              |

| Fire Protection and Prevention - <b>June 20, 2022</b>                   |                              |                 |
|-------------------------------------------------------------------------|------------------------------|-----------------|
| Fire Alarm/Detection Related Equipment                                  | Fee for function test        | \$100.00        |
| <b>Changes to existing Automatic Fire-extinguishing Systems</b>         |                              |                 |
| Plan review fee                                                         | 50% of the total of Permit   |                 |
| 1-10 sprinkler heads                                                    |                              | \$100.00        |
| Over 10 Heads                                                           | Per Head                     | \$3.00          |
| <b>Compressed Gas</b>                                                   |                              |                 |
| Compressed Gas plan review Fee                                          | 50% of the total permit      |                 |
| Compresses Gas                                                          | Fee per system               | \$150.00        |
| <b>Re-Inspections for Construction permits. If any inspection fails</b> |                              | <b>\$150.00</b> |
|                                                                         |                              |                 |
|                                                                         |                              |                 |
| Oil/Gas Well Drilling                                                   | Construction Site            | \$1,000.00      |
| Oil/Gas Well Workover/Recompletions                                     | Construction Site            | \$500.00        |
| Hazardous Materials                                                     | Storage                      | \$200.00        |
| LP-Gas                                                                  | Storage                      | \$100.00        |
| Spraying or Dipping                                                     | Building/Booths              | \$150.00        |
| <b>Flammable and Combustible Liquids Permit</b>                         |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Pipeline                                                                |                              | \$600.00        |
| Aboveground Storage tank install                                        |                              | \$250.00        |
| Aboveground Storage tank repair and/or removal                          |                              | \$100.00        |
| Underground Storage tank install                                        |                              | \$400.00        |
| Underground Storage tank repair and/or removal                          |                              | \$100.00        |
| <b>Hazardous Material Permit</b>                                        |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$450.00        |
| <b>Industrial Ovens</b>                                                 |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$200.00        |
| <b>LP-Gas</b>                                                           |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee                                                              |                              | \$250.00        |
| <b>Private Fire Hydrant System</b>                                      |                              |                 |
| Plans review fee                                                        | 50% of the total permit cost |                 |
| Permit fee per hydrant                                                  |                              | \$50.00         |
| Fee for Hydrostatic testing                                             |                              | \$100.00        |

| Fire Protection and Prevention - <b>June 20, 2022</b>    |                              |          |
|----------------------------------------------------------|------------------------------|----------|
| <b>Spraying or Dipping</b>                               |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Fee per system                                           |                              | \$100.00 |
| Fee per device                                           |                              | \$2.00   |
| Fee for blow-off and function testing                    |                              | \$50.00  |
| <b>Standpipe Systems</b>                                 |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Class I system                                           |                              | \$100.00 |
| Class II system                                          |                              | \$100.00 |
| Class III system                                         |                              | \$100.00 |
| Fee for Hydrostatic testing                              |                              | \$100.00 |
| <b>Temporary Membrane Structures, Tents and Canopies</b> |                              |          |
| Plans review fee                                         | 50% of the total permit cost |          |
| Temporary Membrane Structures                            |                              | \$250.00 |
| Tent and Canopy 201 to 300 square feet                   |                              | \$50.00  |
| Tent and Canopy 301 to 600 square feet                   |                              | \$75.00  |
| Tent and Canopy 601 to 1,000 square feet                 |                              | \$100.00 |
| Tent and Canopy over 1,001 square feet                   |                              | \$150.00 |
| <b>Annual Fire Inspections</b>                           |                              |          |
| Commercial/Public                                        | Initial Inspection           | \$0.00   |
| Commercial/Public                                        | 1st. Re-Inspection           | \$100.00 |
| Commercial/Public                                        | 2nd Re-Inspection            | \$200.00 |
| Commercial/Public                                        | 3rd Re-Inspection            | \$300.00 |
| Group Homes/Foster Homes                                 | Licensed 1-6                 | \$50.00  |
| Group Homes/Foster Homes                                 | Licensed 7-12                | \$100.00 |
| Multi-family Residences/Hotels/Motels                    | 3-20 Dwellings               | \$200.00 |
| Multi-family Residences/Hotels/Motels                    | 21 or more Dwelling Units    | \$350.00 |
| Hospitals/Nursing Homes Providing 24 Hour Care           | Licensed 1-99 beds           | \$300.00 |
| Hospitals/Nursing Homes Providing 24 Hour Care           | Licensed 100-199 Beds        | \$400.00 |

| Fire Protection and Prevention - <b>June 20, 2022</b>     |                                  |          |
|-----------------------------------------------------------|----------------------------------|----------|
| Hospitals/Nursing Homes Providing 24 Hour Care            | Licensed 200-or more Beds        | \$500.00 |
| Standpipe Systems                                         |                                  | \$50.00  |
| <b>(D) Operational Permits</b>                            | <b>Per year expire Jan 31st.</b> |          |
| Aerosol Products                                          |                                  | \$150.00 |
| Amusement Building                                        |                                  | \$75.00  |
| Aviation Facilities                                       |                                  | \$450.00 |
| Carnivals & Fairs                                         |                                  | \$500.00 |
| Battery Systems                                           |                                  | \$150.00 |
| Cellulose Nitrate Film                                    |                                  | \$500.00 |
| Combustible Dust-Producing Operations                     |                                  | \$150.00 |
| Combustible Fibers                                        |                                  | \$150.00 |
| Compressed Gases                                          |                                  | \$150.00 |
| Covered Mall Building                                     |                                  | \$450.00 |
| Cryogenic Fluids                                          |                                  | \$150.00 |
| Cutting and Welding                                       |                                  | \$50.00  |
| Dry Cleaning Plants                                       |                                  | \$150.00 |
| Exhibits and Trade Shows                                  |                                  | \$75.00  |
| Explosives                                                |                                  | \$500.00 |
| Flammable and Combustible Liquids (Storage/Dispensing)    |                                  | \$150.00 |
| Floor Finishing                                           |                                  | \$50.00  |
| Fruit and Crop Ripening                                   |                                  | \$50.00  |
| Fumigation and Thermal Insecticide Fogging                |                                  | \$100.00 |
| Hazardous Materials                                       |                                  | \$450.00 |
| Hazardous Production Materials Facilities                 |                                  | \$450.00 |
| High-piled Storage                                        |                                  | \$300.00 |
| Hot work Operations                                       |                                  | \$100.00 |
| Industrial Ovens                                          |                                  | \$250.00 |
| Lumber Yards and Woodworking Plants                       |                                  | \$250.00 |
| Liquid/Gas-fueled Vehicles/Equipment in Assembly Building |                                  | \$100.00 |
| LP Gas                                                    |                                  | \$200.00 |
| Magnesium                                                 |                                  | \$250.00 |
| Miscellaneous Combustible Storage                         |                                  | \$150.00 |
| Open Burning                                              | See Open Burning Category        | \$*** ** |
| Organic Coatings                                          |                                  | \$150.00 |
| Places of Assembly                                        |                                  | \$100.00 |
| Private Fire Hydrants                                     |                                  | \$50.00  |

| Fire Protection and Prevention - June 20, 2022                                                                                                                                                |  |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------|
| Pyrotechnic Special Effects Material                                                                                                                                                          |  | \$150.00 |
| Pyroxylin Plastics                                                                                                                                                                            |  | \$250.00 |
| Refrigeration Equipment                                                                                                                                                                       |  | \$150.00 |
| Repair Garages and Motor Fuel-dispensing Facilities                                                                                                                                           |  | \$150.00 |
| Rooftop Heliports                                                                                                                                                                             |  | \$100.00 |
| Spraying or Dipping                                                                                                                                                                           |  | \$100.00 |
| Storage of Scrap Tires and Tire Byproducts                                                                                                                                                    |  | \$350.00 |
| Tire Rebuilding Plants                                                                                                                                                                        |  | \$500.00 |
| Waste Handling                                                                                                                                                                                |  | \$150.00 |
| Wood Products                                                                                                                                                                                 |  | \$150.00 |
| <b>(E) Double Permit Fee</b>                                                                                                                                                                  |  |          |
| The fire code official may impose a double permit fee when he/she finds that a condition, activity or occupancy requiring a permit exists and no permit has been issued by the fire official. |  |          |



# MANVEL CITY COUNCIL

## DATA SHEET

**MEETING DATE:** June 20, 2022

**TOPIC:** Subdivision variance request for property located at 6835 Old Chocolate Bayou Road, seeking to vary Chapter 62, Section 62-113, *Sidewalks*.

**BACKGROUND:** The property owner is requesting a variance to Section 62-113, Sidewalks, of the subdivision ordinance. Section 62-113 requires construction of a minimum 4-foot-wide sidewalk or as determined by the City's Thoroughfare Plan in accordance with the Design Criteria Manual. The owner has submitted a minor plat that is under review for approval by the City. The property is a total of 7.7524 acres that will be subdivided into a 1.0347-acre tract (Tract 1) and a 6.7177-acre tract (Tract 2). Tract 1 will be used for a single-family residence and Tract 2 will not be developed. The property is zoned Open-Single Family Residential (O-SFR) District and located in AE flood zone.

On October 4, 2021, the City Council approved a variance with development agreement to Section 62-111, *Additional Street Requirements*, of the subdivision ordinance. Section 62-111 requires one-half of Old Chocolate Bayou Road and Furnace Road to be constructed to concrete curb and gutter. The approved development agreement allowed the property owner to forgo this requirement unless conditions were broken. The conditions include: 1) change of use from one (1) single-family residence and 2) property subdivision.

Since a variance was granted to the road improvement construction, the property owner is asking that a variance to the sidewalk construction to be approved as well. The existing conditions of Old Chocolate Bayou Road and Furnace Road are open ditch systems. Further, the area of Furnace Road and Old Chocolate Bayou Road do not have existing sidewalks.

**RECOMMENDATION:** The staff recommends approval of the variance request to Chapter 62, Section 62-113 with two conditions as specified in the development agreement: 1) the subdivision variance will expire upon change of use from single-family and 2) upon subdivision of property.

**ATTACHMENTS:** Application, Development Agreement, Proposed Plat, Vicinity Zoning Map, and Vicinity Aerial Map

### FUNDING ISSUES

- ☒ **Not applicable**
- ☐ **Not budgeted**
- ☐ **Full amount already budgeted**
- ☐ **Funds to be transferred from Acct.#**

|                                                             |                                                                                         |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <p><b>SUBMITTING STAFF MEMBER</b><br/>Jessica Rodriguez</p> | <p><b>FINANCE DIRECTOR APPROVAL</b> _____</p> <p><b>CITY MANAGER APPROVAL</b> _____</p> |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|



## **DEVELOPMENT AGREEMENT (FOR VARIANCE)**

STATE OF TEXAS                   §  
                                                 §  
COUNTY OF BRAZORIA       §

This Development Agreement executed as of the \_\_\_\_ day of \_\_\_\_\_, 2022, is by and between the City of Manvel, Texas, (“City”) and OCB Properties LTD, property owner of certain hereinafter described property located within the city, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of two tracts of land totaling 7.7524-acres located at 6835 Old Chocolate Bayou Road.

**WHEREAS**, Developer wishes to construct a new single-family structure on the 7.7524-acre tract of land located within the city limits of the City of Manvel, more fully described and depicted as Tract 1 in the proposed minor plat attached as Exhibit “A”, attached hereto; and,

**WHEREAS**, construction of a single-family structure will require approval of a plat and compliance with the city’s subdivision ordinance; and

**WHEREAS**, Section 62-113 of the city code requires construction of a minimum four-foot-wide sidewalk or as determined by the city’s thoroughfare plan and in accordance with the city’s design criteria profile, and install in accordance with the city’s design criteria manual; and

**WHEREAS**, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct the sidewalk requirement;

**NOW THEREFORE**, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the city council, the Parties agree to the conditions, as follows:

### **1. PROJECT**

1.01 Location. The property that is the subject of this agreement is all the property legally described as: being Tract 1 (1.0347 acres), Tract 2 (6.7177 acres), and R.O.W. dedication (0.3047 acres), out of a called 7.7524-acre tract recorded in C.F. No. 2001019867, O.R.B.C. of the Samuel Patterson Subdivision Volume 3 Page 152 P.R.B.C. in the H.N. Little Survey A-319, Brazoria County, Texas, (the “Property”). The Property is more fully described and depicted in the proposed minor plat attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on the Property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city’s subdivision ordinance. Section 62-113 of the city’s subdivision requires construction of a minimum four-foot-wide

sidewalk or as determined by the city's thoroughfare plan and in accordance with the city's design criteria profile, and install in accordance with the city's design criteria manual. The Developer has applied to vary this requirement for the property.

## **2. CITY APPROVAL**

2.01 Pursuant to its authority under Section 62-5 of the city code, the city agrees to allow the Developer to vary the requirements of Section 62-113 of the city's subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) This Agreement will expire upon change of use from one (1) single-family detached structure; or
- (ii) The Property may not be subdivided.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

## **3. DEVELOPER COVENANTS**

3.01 The Developer agrees to following:

(i) Other than permits for the construction of one single-family structure and accessory residential structures, the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;

(ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within two-years of city council approval;

(iii) Developer agrees to pay the cost of recordation of this agreement within thirty (30) days of invoice by the city.

3.02 Developer acknowledges that the city's covenants are contingent upon the Developer constructing the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, and diligently pursue completion, within two-years of city council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

## **4. MISCELLANEOUS**

4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.

- 4.02. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the city has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel  
20031 Morris Avenue  
Manvel, Texas 77578  
ATTN: City Manager

If to Developer: OCB Properties, Ltd  
ATTN: Regan Coy  
P.O. Box 27209  
Houston, Texas 77227-7209

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

**CITY OF MANVEL:**

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

THE STATE OF TEXAS     §

COUNTY OF BRAZORIA   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

\_\_\_\_\_  
Notary, State of Texas

OCB Properties, Ltd:  
By: OCB Properties, Ltd, its general partner

By: \_\_\_\_\_  
Name: Regan Coy, General Counsel

THE STATE OF TEXAS     §

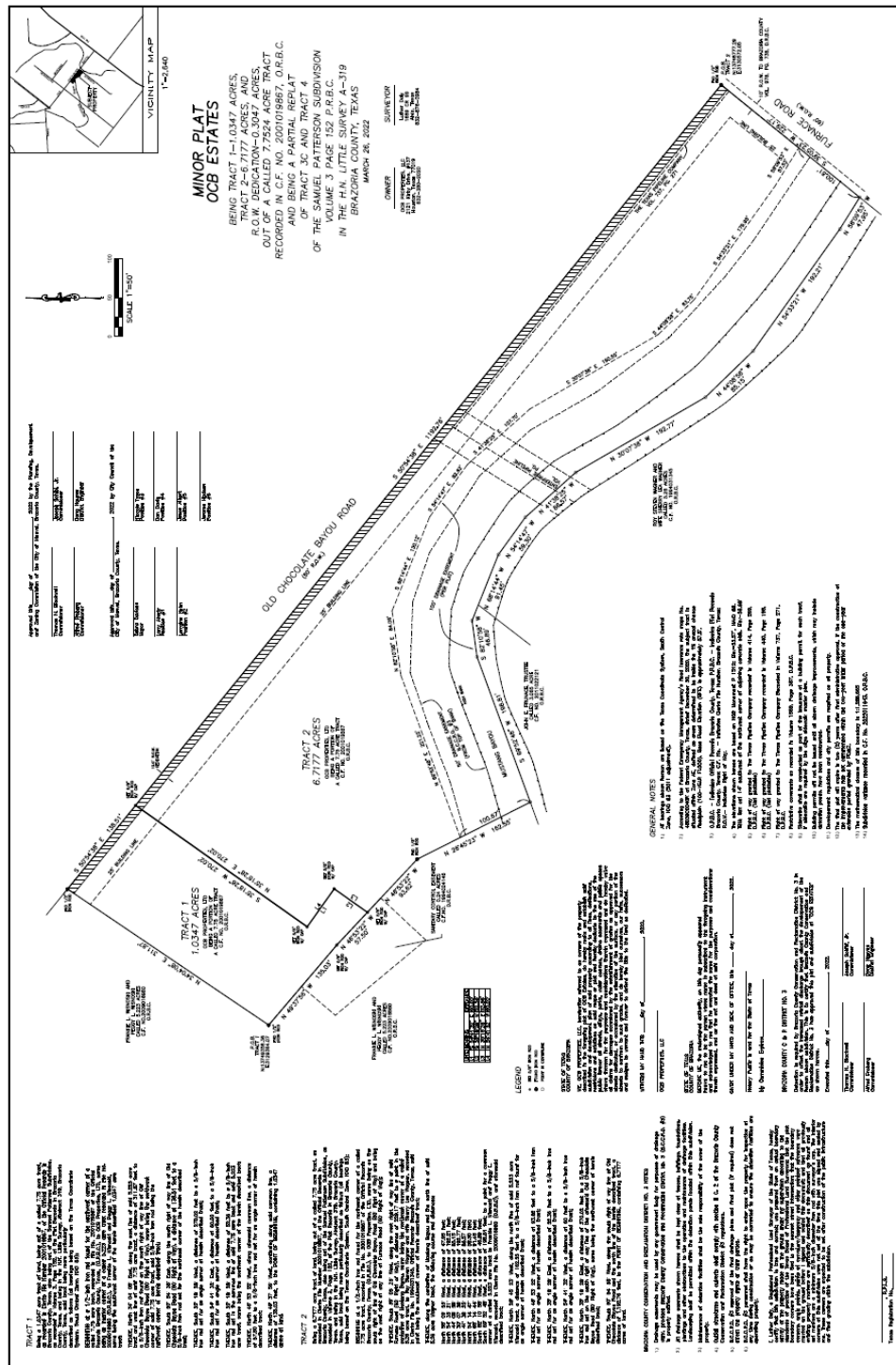
COUNTY OF BRAZORIA   §

        This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_, general counsel of OCB Properties, Ltd, general partner  
of OCB Properties, Ltd, property owner.

(NOTARY SEAL)

\_\_\_\_\_  
Notary, State of Texas

Being Tract 1 (1.0347 acres), Tract 2 (6.7177 acres), and R.O.W. dedication (0.3047 acres), out of a called 7.7524-acre tract recorded in C.F. No. 2001019867, O.R.B.C. of the Samuel Patterson Subdivision Volume 3 Page 152 P.R.B.C. in the H.N. Little Survey A-319, Brazoria County, Texas.



TRACT 1

Being a 1.0347 acre tract of land, being out of a called 7.75 acre tract, as recorded in Clerks File Number 2001019867, of the Official Records in Brazoria County, Texas, also being out of the Samuel Patterson Subdivision, as recorded in Volume 3, Page 152, of the Plat Records in Brazoria County, Texas, and being in the H.N. Little Survey, Abstract 319, Brazoria County, Texas, said tract being more particularly described as follows (all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83);

BEGINNING at a 1/2--inch iron rod found for the southwest corner of a called 7.75 acre tract, recorded in File No. 2001019867 of the Official Records Brazoria County, Texas, (O.R.B.C.), to OCB Properties, LTD, same being an interior corner of a called 5.223 acre tract recorded in File No. 2009016980 (O.R.B.C.), to Frankie L. Wisnoski and Peggy L. Wisnoski, same being the southwest corner of the herein described 1.0347 acre tract;

THENCE, North 34° 04' 08" East, along the east line of said 5.223 acre tract and west line of said 7.75 acre tract, a distance of 311.817 feet to a 5/8--inch iron rod found on the south right of way line of Old Chocolate Bayou Road (80' Right of Way), same being the northwest corner of said 7.75 acre tract, said 5/8--inch iron rod being the northwest corner of herein described tract;

THENCE, South 50° 54' 38" East, along the south right of way line of Old Chocolate Bayou Road (80' Right of Way), a distance of 138.51 feet to a 5/8--inch iron rod set for the northeast corner of the herein described tract;

THENCE, South 35° 18' 28" West, a distance of 270.02 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, South 54° 41' 32" East, a distance of 60.00 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, South 35° 18' 28" West, a distance of 52.36 feet to a 5/8--inch iron rod set in the common line of said 7.75 acre tract and said 5.223 acre tract, same being the southeast corner of the herein described tract;

THENCE, North 46° 53' 22" West, along aforesaid common line, a distance of 57.50 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, North 49° 37' 56" West, continuing along said common line, a distance of 135.03 feet, to the POINT OF BEGINNING, containing 1.0347 acres of land.

TRACT 2

Being a 6.7177 acre tract of land, being out of a called 7.75 acre tract, as recorded in Clerks File Number 2001019867, of the Official Records in Brazoria County, Texas, also being out of the Samuel Patterson Subdivision, as recorded in Volume 3, Page 152, of the Plat Records in Brazoria County, Texas, and being in the H.N. Little Survey, Abstract 319, Brazoria County, Texas, said tract being more particularly described as follows (all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83);

BEGINNING at a 1/2--inch iron rod found for the northeast corner of a called 7.75 acre tract, recorded in File No. 2001019867 of the Official Records Brazoria County, Texas, (O.R.B.C.), to OCB Properties, LTD, same being on the south right of line of Old Chocolate Bayou Road (80' Right of Way) and being on the west right of way line of Furnace Road (60' Right of Way);

THENCE, South 39° 05' 23" West, along the west right of way line of said Furnace Road (60' Right of Way), a distance of 229.17 feet to a point in the centerline of Mustang Bayou, same being the northeast corner of a called 5.26 acre tract, to Roy Steven Wagner and wife Sherry Lea Wagner, recorded in Clerks File No. 1994031345, Official Records Brazoria County, Texas, said point being the southeast corner of herein described tract;

THENCE, along the centerline of Mustang Bayou and the north line of said 5.26 acre Wagner tract, the following course and distances:

North 58° 09' 53" West, a distance of 47.95 feet;  
North 54° 33' 21" West, a distance of 192.21 feet;  
North 44° 08' 58" West, a distance of 85.15 feet;  
North 30° 07' 38" West, a distance of 192.77 feet;  
North 41° 38' 25" West, a distance of 86.57 feet;  
North 54° 14' 47" West, a distance of 59.30 feet;  
North 68° 14' 44" West, a distance of 91.45 feet;  
South 82° 10' 58" West, a distance of 46.89 feet;  
South 69° 52' 48" West, a distance of 198.81 feet; to a point for a common corner of a called 5.223 acre tract to Frankie L. Wisnoski and Peggy L. Wisnoski, recorded in Clerks File No. 2009016980 (O.R.B.C.), and aforesaid described tract;

THENCE, North 26° 45' 23" West, along the north line of said 5.223 acre Wisnoski tract, a distance of 162.55 feet to a 5/8--inch iron rod found for an angle corner of herein described tract;

THENCE, North 46° 53' 22" West, a distance of 93.62 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, North 35° 18' 28" East, a distance of 52.36 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, North 54° 41' 32" West, a distance of 60 feet to a 5/8--inch iron rod set for an angle corner of herein described tract;

THENCE, North 35° 18' 28" East, a distance of 270.02 feet to a 5/8--inch iron rod set on the south right of way line of the aforesaid Old Chocolate Bayou Road (80' Right of Way), same being the northwest corner of herein described tract;

THENCE, South 50° 54' 38" West, along the south right of way line of Old Chocolate Bayou Road and the north line of the herein described tract, a distance of 1,192.76 feet, to the POINT OF BEGINNING, containing 6.7177 acres of land.

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES

- Drainage easements may be used by any government body for purposes of drainage work, provided Brazoria County Conservation and Reclamation District No. 3 (B.C.C.R.D. #3) is properly notified.
- All drainage easements shown hereon shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of drainage facilities. Landscaping shall be permitted within the detention ponds located within this subdivision.
- Maintenance of detention facilities shall be the sole responsibility of the owner of the property.
- Outfall structures and culverts shall comply with section III C, 2 of the Brazoris County Conservation and Reclamation District #3 regulations.
- B.C.C.R.D. #3 approval of the final drainage plans and final plat (if required) does not affect the property rights of third parties.
- B.C.C.R.D. #3 personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facilities are operating properly.

I, Luther Daly, a Registered Professional Land Surveyor of the State of Texas, hereby certify that this subdivision is true and correct; was prepared from an actual boundary survey of the property made on the ground under my supervision according to the standards of practice of the Texas Board of Professional Land Surveyors; that the plat boundary corners have been tied to the nearest street intersection; that the boundary corners, angle points, points of curvature/tangency and other pointsof reference were marked on the ground before I signed and sealed this document; and that all previously existing property markers are sufficiently described on this document as found and all set markers are a minimum 5/8--inch diameter iron rod with surveyor's cap. The interior corners of this subdivision were not set at the time this plat was signed and sealed by me. These corners are expected to be set after construction of the public infrastructure and final grading within the subdivision.

\_\_\_\_\_, R.P.L.S.  
Texas Registration No. \_\_\_\_\_

LEGEND

- SET 5/8" IRON ROD
- FOUND IRON ROD
- POINT IN CENTERLINE

STATE OF TEXAS  
COUNTY OF BRAZORIA

WE, OCB PROPERTIES, LLC, hereinafter referred to as owners of the property described in the foregoing plat of OCB Estates, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains easements and public spaces shown thereon for the purposes and considerations therein expressed and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets dedicated, or occasioned by the alteration of the surface, or any portion of the streets to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever to defend the title to the land so dedicated.

WITNESS MY HAND THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
OCB PROPERTIES, LLC

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commision Expires: \_\_\_\_\_

BRAZORIA COUNTY C & R DISTRICT NO. 3

Detention is required by Brazoria County Conservation and Reclamation District No. 3 in order to offset the increased rainfall discharge brought about the development of the hereon shown subdivision. This is to certify that Brazoria County Conservation and Reclamation District No. 3 has approved this plat and subdivision of "OCB ESTATES" as shown hereon.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Thomas N. Blackwell  
Commissioner

\_\_\_\_\_  
Alfred Froberg  
Commissioner

\_\_\_\_\_  
Joseph Schibi, Jr.  
Commissioner

\_\_\_\_\_  
Dong Nguyen  
District Engineer

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022 by the Planning, Development and Zoning Commision of the City of Manvel, Brazoria County, Texas.

\_\_\_\_\_  
Thomas N. Blackwell  
Commissioner

\_\_\_\_\_  
Alfred Froberg  
Commissioner

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022 by City Council of the City of Manvel, Brazoria County, Texas.

\_\_\_\_\_  
Debra Davison  
Mayor

\_\_\_\_\_  
Larry Akerty  
Position #1

\_\_\_\_\_  
Lorraine Hehn  
Position #2

\_\_\_\_\_  
Joseph Schibi, Jr.  
Commissioner

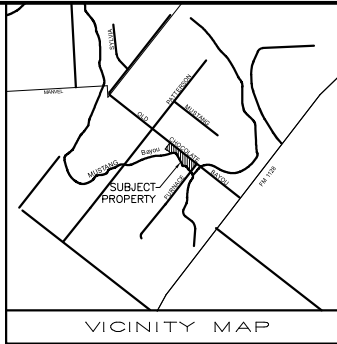
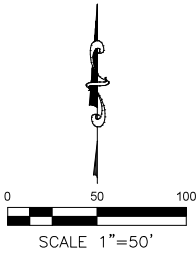
\_\_\_\_\_  
Dong Nguyen  
District Engineer

\_\_\_\_\_  
Nicole Tyson  
Position #3

\_\_\_\_\_  
Dan Davis  
Position #4

\_\_\_\_\_  
Jason Albert  
Position #5

\_\_\_\_\_  
Jerome Hudson  
Position #6



MINOR PLAT  
OCB ESTATES

BEING TRACT 1--1.0347 ACRES,  
TRACT 2--6.7177 ACRES, AND  
R.O.W. DEDICATION--0.3047 ACRES,  
OUT OF A CALLED 7.7524 ACRE TRACT  
RECORDED IN C.F. NO. 2001019867, O.R.B.C.  
AND BEING A PARTIAL REPLAT  
OF TRACT 3C AND TRACT 4  
OF THE SAMUEL PATTERSON SUBDIVISION  
VOLUME 3 PAGE 152 P.R.B.C.  
IN THE H.N. LITTLE SURVEY A--319  
BRAZORIA COUNTY, TEXAS  
MARCH 26, 2022

OWNER

OCB PROPERTIES, LLC  
2121 Kirby Drive, #137  
Houston, Texas 77019  
832--380--2020

SURVEYOR

Luther Daly  
1689 CR 99  
Alvin, Texas  
832--876--0984

GENERAL NOTES

- All bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83 (2011 adjustment).
- According to the Federal Emergency Management Agency's flood insurance rate maps No. 48039C0040K of Brazoria County, Texas, dated December 30, 2020, the subject tract is situated within Zone AE, defined as areas determined to be inside the 1% annual chance floodplain (100--YEAR FLOOD). Base Flood Elevation (BFE) is approximately 57.5'.
- O.R.B.C. -- Indicates Official Records Brazoria County, Texas; P.R.B.C. -- Indicates Plat Records Brazoria County, Texas; C.F. No. -- Indicates Clerks File Number, Brazoria County, Texas; R.O.W. -- Indicates Right of Way.
- The elevations shown hereon are based on NCS Monument P 1512: Elev=53.57', NAVD 88. TBM: Box cut 14' southwest of the northwest corner of adjoining concrete slab. Elev=56.68'
- Right of way granted to The Texas Pipeline Company recorded in Volume 414, Page 269, D.R.B.C. (Not plottable)
- Right of way granted to The Texas Pipeline Company recorded in Volume 440, Page 198, D.R.B.C. (Not plottable)
- Right of way granted to The Texas Pipeline Company Recorded in Volume 737, Page 271, D.R.B.C.
- Restrictive covenants as recorded in Volume 1569, Page 367, D.R.B.C.
- Sidewalks shall be constructed as part of the issuance of a building permit for each tract, if sidewalks are required by the citys sidewalk master plan.
- Building permits will not be issued until all storm drainage improvements, which may include detention ponds, have been constructed.
- Development regulations and city permits are required on all property.
- The final plat will expire in two (2) years after final administrative approval, if the construction of the improvements has not commenced within the two-year initial period or the one--year extension period granted by PD&Z.
- The mathematical closure of this boundary is 1:1,286,665
- Subdivision variance recorded in C.F. No. 2022011643, O.R.B.C.

ROY STEVEN WAGNER AND  
WIFE SHERRY LEA WAGNER  
CALLED 5.26 ACRES  
C.F. NO. 1994031345  
O.R.B.C.

P.O.B.  
TRACT 2  
N:13748777.29  
E:3130572.05

# CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187  
Manvel, Texas 77578

Phone: (281) 489-0630  
Fax: (281) 489-0634

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## Subdivision Variance Application

### **Applicant Information**

Applicant (if not owner): \_\_\_\_\_

Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

### **Property Information**

Site Address: \_\_\_\_\_

Legal description (from deed): \_\_\_\_\_  
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: \_\_\_\_\_

### **Description of Subdivision Variance Request**

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### **Detailed Explanation of Subdivision Variance Request**

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

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o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

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o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

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o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

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#### **Applicant Authorization**

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

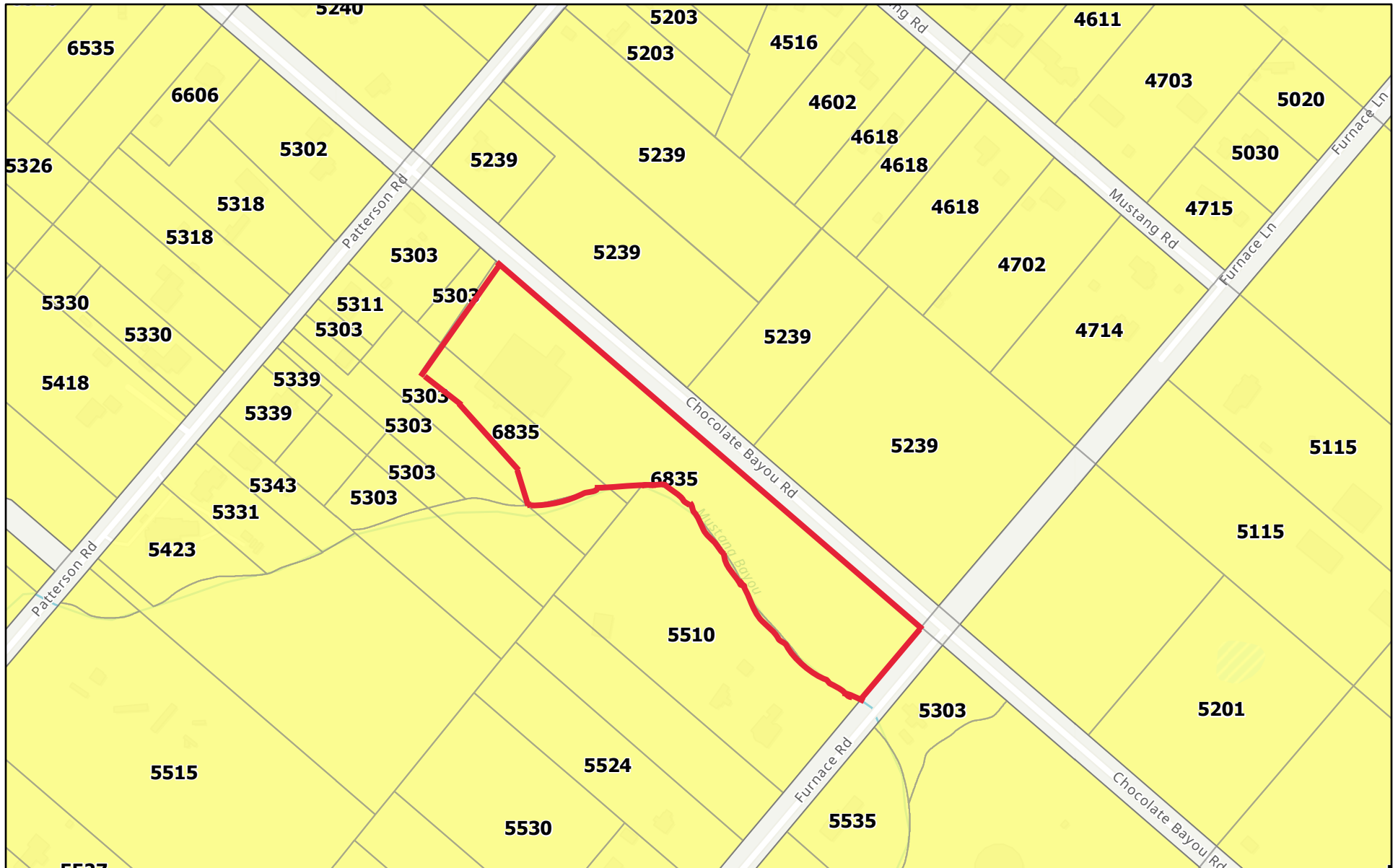
I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

# City of Manvel GIS Map

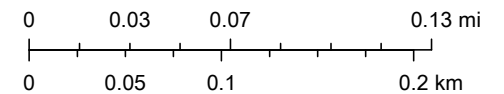


9/27/2021, 10:52:49 AM

 Parcels Zoning - District

 O-SFR - Open Single Family Residential

1:4,514



Esri Community Maps Contributors, City of Houston, Brazoria County, HPB,

City of Manvel

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

[illegible]

☐ Parcels

0 0.03 0.07 0.13 mi

0 0.05 0.1 0.2 km

City of Manvel

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.