

EPW:lm
9/15/82

3E.

AN ORDINANCE 55812

REVISING CERTAIN PERMIT AND SERVICE
FEES AND ESTABLISHING NEW SERVICE
FEES FOR VARIOUS CITY ACTIVITIES IN
THE HEALTH DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A fee in the amount of \$1.00 per replacement of the immunization record copy is hereby established.

SECTION 2. A fee in the amount of \$5.00 per physician statement of examination is hereby established for all persons who request it for their marriage license.

SECTION 3. Section 16-104 of the City Code, subsection (5) which sets the fees charged for temporary food service establishments is hereby amended to read as follows:

(5) Temporary food service establishments shall pay a fee of (\$5.00) five dollars, per stand per day, with a maximum of twenty dollars (\$20.00) per event. Each event is considered a separate licensing period. The fee shall be paid prior to commencing operations.

SECTION 4. Chapter 3A of the City Code entitled Air Pollution Control is hereby amended to read as follows:

Section 3A-1 Definitions

A. "Industrial Process" shall include any furnace boiler, kiln, dryer, mill, mixer, crusher, silo or still used in the manufacture of metal products including iron, steel, lead, copper, brass, bronze or aluminum; mineral products including aggregate, rock, sand, cement, clinker, lime, perlite or vermiculite; petroleum products including gasoline, diesel fuel, solvents, liquified natural gas, propane, butane or volatile organic compounds; wood products including sawdust, charcoal, pressed wood, fiber board or plywood; paper products including paperboard, cardboard or packaging; building materials including concrete, asphaltic concrete, tar roofing material, brick, tiles or blocks; chemical products including plastics, paint, fiberglass, fertilizers, pesticides or cleaning agents; feed for other than human consumption to include meat by products, grains or seeds; food products for human consumption including flour, nuts, or beverages including beer, wine, or liquor; recycled scrap metal including that from automobiles, appliances or beverage cans.

B. "Incinerator" shall include devices for combustion of commercial waste, pathological waste or industrial process waste.

C. "Spray Painting" shall include any room, booth, enclosure or yard at any fixed location used for spray painting of vehicles, appliances or building materials.

D. "Sandblasting" shall include use of any gun or other means at any fixed location to blast with sand, grit, or other abrasive.

E. "Petroleum Storage and Loading Facility" shall include each storage tank and each loading rack at any terminal for commercial dispensing of petroleum products.

Section 3A-2 Rules and regulations of Texas Air Control Board

The rules and regulations of the Texas Air Control Board, as promulgated by Board Order No. 68-1, and presently in effect, pursuant to the Clean Air Act of Texas, 1967 (Article 4477-5 V.T.C.S.) are incorporated herein by reference and are hereby adopted as rules and regulations for the control of air pollution within the City of San Antonio. Three copies of said rules and regulations, identified by the signature of the City Clerk, are on file in the Office of the City Clerk pursuant to Section 17 of the City Charter, for permanent record and inspection.

Section 3A-3 Penalty for violations

The violation of any of said rules and regulations is hereby declared to be unlawful and punishable in municipal court, upon conviction, by a fine of not more than two hundred dollars (\$200.00) for each offense thereof. Each day's violation hereof shall be a separate offense.

Section 3A-4 City Clerk to furnish copy of Ordinance 39705 to Executive Secretary, Texas Air Control Board

The City Clerk is hereby directed to furnish a copy of Ordinance No. 39705, without the necessity of having a copy of said rules and regulations attached thereto, to the Executive Secretary, Texas Air Control Board, in Austin, Texas.

Section 3A-5 Legal staff authorized to seek injunctive relief, etc

The legal staff of the City of San Antonio, upon resolution by the City Council, without regard to prosecutions in municipal court, be, and is hereby, authorized to seek injunctive relief to prevent any further violation or seek court order for the assessment of penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per day for each day such violation continues, as the court may deem proper, or for both injunctive relief and penalty. The legal staff of the City of San Antonio shall seek to prosecute and enjoin violations in a court of appropriate juris-

diction by working with and through the Attorney General of Texas or such other legal staff of the Texas Air Control Board as may request such action.

Section 3A-6

Fees for the inspection and evaluation of industrial processes, incinerators, spray painting, sandblasting and petroleum products storage and loading.

A. The annual inspection fee at any one location for each air pollution source including industrial processes, spray painting, sandblasting or petroleum products storage and loading except for incinerators shall be \$200.00. The annual fee for inspection of incinerators shall be \$75 to include a visual stack observation.

B. The annual fee for visible emissions evaluations shall be \$100 for each stack, vent or flue from an air pollution source including industrial processes, spray painting, sandblasting or petroleum products storage and loading facility using a flare for volatile vapor control.

C. The annual fee for property line fugitive dust determinations for compliance purposes shall be \$500 for each fugitive dust source including industrial processes not vented through a stack, vent, or flue or sandblasting not vented through a stack, vent, or flue.

D. The total annual fee to be paid by an air pollution source shall be the cumulative total of numbers of inspection fees, fees for visible emission evaluations and fees for property line fugitive dust determinations for compliance purposes. No total annual fee paid by an air pollution source with the exception of incinerators shall be less than \$200 nor more than \$1,000.00.

E. The total annual fee shall be due and payable by the 1st day of January of each year beginning on January 1, 1983.

SECTION 5. This ordinance shall become effective October 1, 1982.

PASSED AND APPROVED this 16th day of September, 1982.

ATTEST: James S. Rodriguez
CITY CLERK

Henry Cisneros
MAYOR

APPROVED AS TO FORM: _____
John Sunday
CITY ATTORNEY

HEALTH DEPT. FEE

ITEM NO. 3E
 DATE: SEP 16 1982

MEETING OF THE CITY COUNCIL

DATE:

MOTION BY: Archer

SECONDED BY: Dubmer

ORD. NO. 55812

ZONING CASE _____

RESOL. _____

PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
MARIA A. BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		absent	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		absent	
BOB THOMPSON PLACE 6		absent	
JOE ALDERETE, JR. PLACE 7		✓	
G.E. "ED" HARRINGTON PLACE 8		absent	
VAN ARCHER PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		absent	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

AMENDS CITY CODE!
PUBLISH IN EXP-NEWS & LIGHT!

82-40

AVIATION	
BUDGET & RESEARCH	1
BUILDING INSPECTIONS	
CITY WATER BOARD	
CITIZEN ACTION & PUBLIC INFORMATION	
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	
TREASURY DIVISION	
GRANT SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
LEGAL-CITY ATTORNEY	
LIBRARY DIRECTOR	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	1
MUNICIPAL COURTS (1-Prosecutors)	2
PARKS & RECREATION	
PERSONNEL DIRECTOR	
PLANNING	
POLICE CHIEF	1
PUBLIC UTILITIES SUPERVISOR	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
WASTEWATER ENGINEERING	
RIGHT-OF-WAY & LAND ACQUISITION	
TRAFFIC ENGINEERING DIVISION	
PURCHASING	
ZONING ADMINISTRATION	
MUN. CODE CORP.	1

CITY OF SAN ANTONIO

Willingham
RECEIVED

Interdepartment Correspondence Sheet

AUG 18 1982

LEGAL DEPARTMENT
CITY OF SAN ANTONIO, TEXAS

TO: Mrs. Jane Macon, City Attorney
FROM: Dr. C. N. Rothe, Director, San Antonio Metropolitan Health District
COPIES TO: Mrs. Marlene Hartman, Revenue Analysis, Budget & Research; File
SUBJECT: ORDINANCE PREPARATION FOR NEW REVENUE ITEMS FOR FY82-83.

Date August 16, 1982

The City Manager's proposed budget for FY82-83 includes three (3) new general fund revenue items to be administered by the Health Department. We need ordinances prepared authorizing these revenue items after September 30, 1982. Proposed revenue items are outlined below with appropriate support data attached.

Immunization Record Copy Fee

new

The conditions of the City's immunization grant from the U. S. Public Health Service precludes us from charging a fee for immunizations. However, there is no restriction on charging for copies of immunization records. We propose to initiate a \$1.00 charge for the second or any subsequent copy of an immunization record. There will be no charge for the vaccine injection or first copy of the shot record. Any subsequent doses of vaccine administered will be recorded on the original record presented by the patient. However, if the patient has lost his shot record there will be a \$1.00 charge for replacement. If the patient does not want a record then the shot will be administered and entered into our record system, but no copy will be given to the patient. This copy charge will apply only to recipients five (5) years of age and older. There will be no charge for any records issued to preschool age children. This last stipulation is done so that there will be no hindrance in reaching the high risk preschool population.

Air Pollution Source Fee

OK

Federal and State laws, as well as administrative regulation, prohibit a municipality from charging a permit or license fee for construction or modification of any air pollution sources. However, Federal and State laws and regulations allow us to charge an annual renewable operating fee for pollution sources. This fee is to help cover the cost of on site inspection of sources as well as emission compliance tests. Fees will range from \$100 to \$1,000 per year for industrial firms depending on the number of sources at each site. We will also include a \$75 annual fee for commercial incinerators. Attachment 1 is a draft of the changes that will need to be made in Chapter 3A of the City Code in order to adopt a fee system for air pollution control sources.

Mrs. Jane Macon cont.

Page 2

August 16, 1982

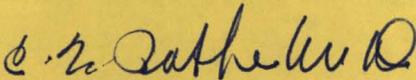
Physician Statement - Medical Examination Certificate

Currently the Health Department performs part one of the Medical Examination Certificate (Attachment II) required to obtain a marriage license in Texas. Part one entails a laboratory statement showing the results of a VDRL test for syphilis. We do this at no charge because of our role as a State Health Department Regional Laboratory and as a part of our VD surveillance campaign. Part two of this Medical Examination Certificate is for a physician's statement that the person is free of infectious venereal disease. We currently do not complete part two of this form but refer the applicant to the County Hospital or to their private physician. We propose to begin filling out section two of this form for all who come to us for the marriage blood test. We will charge for part two only, not for the VDRL in part one. The charge will be \$5.00 for each form certified. In addition to the three (3) new items, ordinance action will need to be taken on one old fee item. The Council has requested that this item, Temporary Food Establishment Licenses, be looked at again for FY82-83.

Temporary Food Establishment License

Ordinance #54282 passed by the City Council on September 17, 1981, amended Chapter 16 of the City Code establishing a licensing requirement for all temporary food establishments. On April 29, 1982, Ordinance #55275 suspended this license fee as it applied to nonprofit organizations. At that time the City Council directed staff to resubmit this license fee for nonprofit temporary food establishments for reconsideration in the FY82-83 budget. The original fee was \$20 per stand per event. We propose to change this to \$5.00 per stand per day, with a maximum of \$20 per event. Section 16-104 (5) of the City Code would need to be modified in order to reflect this fee change. The ban on charging nonprofit organizations a license fee set out in Ordinance #55275 would also have to be lifted if the City Council so directs.

For any further information or details on these proposed revenue items please contact Scott Highley at 299-8781.



C. N. Rothe, M.D.
Director of Health

CNR:JSH:ch

Attachments

MEDICAL EXAMINATION CERTIFICATE
REQUIRED FOR EACH APPLICANT
TO OBTAIN A MARRIAGE LICENSE IN TEXAS

PART I - LABORATORY STATEMENT

LABORATORY IDENTIFICATION NUMBER: _____

This is to certify that the result of a _____ test, a standard serologic test for syphilis
(Name of Test)
as defined in H. B. No. 53 of the Sixty-First Legislature of the State of Texas performed
_____ on a blood specimen submitted in the name of
(Date)

(Exact Name of Applicant) (Must be Name in Full Without any Initials)

Street City State
has been reported to _____
(Name of Physician)

Street City State

(Signature of Person Authorized to Sign for Laboratory)

PART II - PHYSICIAN'S STATEMENT

This is to certify that on _____ I performed a thorough examination for infectious
(Date)
venereal disease on the applicant named below.

(Exact Name of Applicant) (Must be Name in Full Without any Initials)

Street City State
This examination included a standard serologic test for syphilis. The results of the examination, test,
and history showed that, in the opinion of the examining physician, the applicant is free from any infec-
tious condition of syphilis or other venereal disease.

I further certify that I hold an unrevoked license to practice medicine in _____
(State or Territory)

(Signature of Examining Physician)

Physician's Street Address City State

The marriage license issued under this certificate will expire at the end of the 21 day period following the date of the medical
examination (or the earlier of the two examinations if they were conducted on different days), if the marriage ceremony has
not been conducted within that period.

City Council

Dr. C. N. Rothe, Director, San Antonio Metropolitan Health District

✓ Legal; Budget; Finance; File

HEALTH DEPARTMENT REVENUE RATE ADJUSTMENTS FOR FY82-83

August 17, 1982

The Health Department is recommending three (3) new health related revenue items for FY82-83 and the reinstatement of one (1) revenue item from FY81-82. These new items plus the reinstatement should produce \$121,270 in revenue for the City general fund.

SUMMARY AND RECOMMENDATIONS

Immunization Record Copy Fee - Propose to charge \$1.00 for the second or subsequent copy of a shot record maintained by the Health Department. There will be no charge for the vaccine injection and first copy of the shot record. Any subsequent doses of vaccine administered will be recorded on the original record presented by the patient. There will be no charge for any records issued to preschool age children in order that there will be no hindrance in immunizing the high risk preschool population.

Air Pollution Source Fee - We propose to implement an annual renewable operating fee for air pollution sources. This fee is designed to partially offset the cost of on-site inspection of sources as well as emission compliance tests. Fees will range from \$100 to \$1,00 per year depending on the number of sources at each site. Also included will be a \$75 annual fee for commercial incinerators.

Physician Statement/Medical Exam Certificate - The Medical Exam Certificate is required to obtain a marriage license in Texas. We currently perform part one, VDRL laboratory statement, as part of our VD surveillance program at no charge. A possible source of revenue would be to begin filling out part two, physician statement, on this form. This physician statement certifies the applicant is free of infectious venereal disease. We propose to begin filling out part two of this form for all who come to us for the marriage blood test. We will charge \$5.00 for part two only. No charge will be made for the VDRL in part one.

License Fee for Temporary Food Establishments - In September, 1980, the City established a \$20 per stand per event fee for temporary food establishments. In April, 1982, this fee was suspended for nonprofit organizations by the City Council. At that time the Council directed staff to resubmit this fee item during the budget process for 82-83. In this resubmission we now propose to change the fee structure

August 17, 1982

on this item. While it will still apply to proprietary and nonprofit temporary food establishments, it will reduce the cost of the license to both. The new recommended fee is \$5.00 per booth per day with a maximum of \$20 per event. This will make it less expensive for short term events that are characteristic of nonprofit organizations.

We recommend that the above items be considered as revenue items in FY82-83.

POLICY ANALYSIS

Immunization Record Copy Fee - Charging for shot records is a major departure from past Health Department policy and philosophy. In the past we wanted no hindrance in our efforts to immunize the greatest number of people. We still hold to that ideal with some modification. Experience has shown us that 70% of the people who use our immunization service get more than one copy of their shot record. There is no incentive now to keep a record. Cost of making records has gone up, since we now have the capacity to print records from our computer files. In order to influence patients to keep their records and to help offset the cost of providing them we propose this copy fee. We exclude the high risk preschool population since we want nothing to stand in the way of their receiving the vaccine. The shot and first copy of the record is free; the patient only has to keep this record to avoid any copy cost.

Air Pollution Source Fee - Federal and State laws prohibit a municipality from charging a permit or license fee for construction or modification of any air pollution sources. However, Federal and State laws allow us to charge an annual renewable operating fee for pollution sources. The implementation of this air pollution source fee is a new policy for the City of San Antonio. It will be an attempt to recover part of the cost of onsite inspections of sources as well as emission compliance tests.

Physician Statement/Medical Exam Certificate - Current practice is such that we now complete part one, VDRL laboratory statement, and refer the patient to his own physician or the public hospital for the physician statement in part two. Our completion of part two, physician statement, for a \$5.00 fee will place us in competition with the private medical community. This is a departure from past City policy whereby the Health Department's activities are aimed at protecting the public as a whole and offering preventive health services to the medically indigent of San Antonio. Currently few of our activities can be seen as being in competition with the local medical community. The marriage license health certificate fee now can be viewed as placing us in that category.

License Fee for Temporary Food Establishments - City policy was established in this area in September, 1980, when the fee for temporary food establishments was set. This policy was modified by Ordinance #55275 on April 29, 1982, by suspending the license fee for nonprofit organizations. We propose now to reestablish this fee for all establishments, but at a lesser rate.

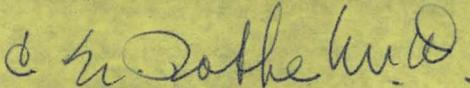
FINANCIAL IMPACT

Immunization Record Copy - Potential annual income of \$60,000.

Air Pollution Source Fee - Fees range from \$100 to \$1,000 per year for industrial firms depending on the number of sources at each site. We estimate an average annual permit fee of \$400 for 100 industrial sources. In addition, we propose to license 60 commercial incinerators at \$75 per year. Total income estimate is \$45,000 per year.

Physician Statement/Medical Exam Certificate - Estimate annual income at \$6,270.

Temporary Food Establishments - Estimate additional annual income at \$10,000.



C. N. Rothe, M.D.
Director of Health

APPROVED BY:

Louis J. Fox
City Manager

LJF:CNR:JSH:ch

TO: City Council

FROM: Dr. C. N. Rothe, Director, San Antonio Metropolitan Health District

COPIES TO: _____

SUBJECT: HEALTH DEPARTMENT REVENUE RATE ADJUSTMENTS FOR FY82-83

Date September 10, 1982

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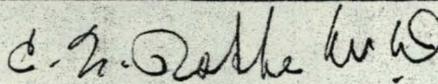
FINANCIAL IMPACT

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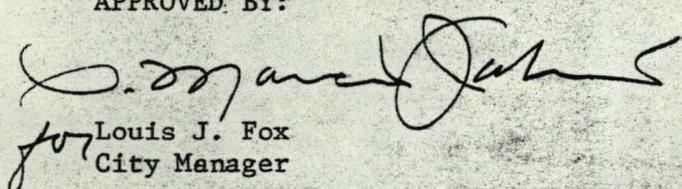
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C. N. Rothe, M. D.
Director of Health

APPROVED BY:


for Louis J. Fox
City Manager

LJF:CNR:JSH:ch



55812

CITY OF SAN ANTONIO

P. O. BOX 9066

SAN ANTONIO, TEXAS 78285

September 20, 1982

Mr. Robert L. Laslie
Municipal Code Corporation
Post Office Box 2235
Tallahassee, Florida 32304

Dear Mr. Laslie:

Enclosed are copies of Ordinance Numbers 55811 through 55816 which were passed by the City Council at its meeting on September 16, 1982.

Please include these Ordinances in your next supplement.

Sincerely,

A handwritten signature in cursive script that reads "Norma S. Rodriguez".

Norma S. Rodriguez
City Clerk

NSR:mlr

Enclosures

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

55812

TO: San Antonio Light

FROM: City Clerk

COPIES TO: File

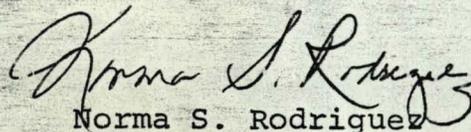
SUBJECT: PUBLICATION - LEGAL NOTICE

Date September 20, 1982

Please publish the attached Ordinances each one time only on Wednesday, September 22, 1982, in the Classified Section under "Legal Notices."

Please furnish three (3) affidavits of publication to:

City Clerk
City of San Antonio
P. O. Box 9066
San Antonio, TX 78285


Norma S. Rodriguez
City Clerk

NSR:mlr

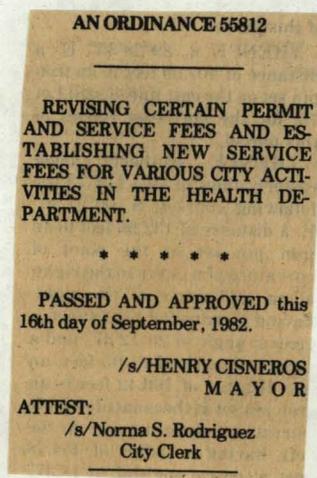
Attachments

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared Irene Palencia, who being by me duly sworn, says on oath that she is Office Supervisor of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance #55812 hereto attached has been published in every issue of said newspaper on the following days, to-wit: September 21, 1982.



Sworn to and subscribed before me this 21st Day of September, 1982.

Kaye Finley

Notary Public in and for Bexar County,
Texas

#14

THE STATE OF TEXAS }
County of Bexar

Before me Georgina Merritt
a Notary Public in and for said County, State of Texas, on this day personally appeared

Joe Vied known to me,

who, being duly sworn, state on oath that He is Asst. Resident Controller
of The San Antonio Light, a newspaper of general circulation published at San Antonio, County of
Bexar, State of Texas, and that the advertisement hereto attached was published on the following dates.

Sept 22, 1982

Joe Vied

Sworn and subscribed to before me, this 23 day of Sept A. D. 19 82

Georgina Merritt

Notary Public in and for Bexar
County, Texas.

My commission expires December 31, 19 84

AN ORDINANCE 55812
REVISING CERTAIN PERMIT AND
SERVICE FEES AND ESTABLISHING
NEW SERVICE FEES FOR VARIOUS
CITY ACTIVITIES IN THE HEALTH
DEPARTMENT.
PASSED AND APPROVED this 16th
day of September, 1982.
/s/ Henry Cisneros, Mayor
Attest: Norma S. Rodriguez, City Clerk.
Approved as to form: Tom Finley
City Attorney