

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS TEMPORARILY ALLOWING ALTERNATIVE ARRANGEMENTS FOR THE PAYMENT OF FOOD ESTABLISHMENT PERMIT FEES UNDER SECTION 18.100 OF THE SAN MARCOS CITY CODE DUE TO THE COVID-19 PANDEMIC; INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR ADOPTION OF THIS ORDINANCE AS AN EMERGENCY MEASURE ON ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. Due to the current COVID-19 pandemic, social distancing, and imposed requirements to close non-essential businesses, food establishments within San Marcos are experiencing decreased revenue and difficulty in meeting their financial obligations.
2. Under Section 18.092, of the San Marcos City Code, the operators of food establishments are required to hold a permit issued by the health authority to operate a food establishment.
3. Section 18.095, establishes that the permit expires one year after the date it is issued. The full fee is paid at the time of the application.
4. Section 18.100(c) provides that fees for food establishment permits, inspections, and other services are established by the city council.
5. In order to relieve the financial burden on food establishments in San Marcos, the San Marcos City Council deems it necessary for the health authority to accept requests to make quarterly installment payments of food establishment fees for a period of 180 days during the COVID-19 pandemic.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. For a period of 180 days after the effective date of this ordinance, a food establishment may request that any fee under Section 18.100 of the San Marcos City Code that is due in full within such 180-day period be paid in quarterly installments in accordance with this section. Upon receipt of such a request, the health authority will approve a payment schedule in writing to which the food establishment will be bound. The Under an approved payment schedule shall provide for no payment of the fee in four quarterly installments, with the first quarterly payment to be paid shall be required on the original due date of the fee. Thereafter, at least one-third of the balance due shall paid on or before the first day of each of the remaining three quarters from the original due date of the fee. The amount of any installment payment in excess of the minimum amount required will be applied to the next installment due.

SECTION 2. The temporary payment provisions in Section 1 of this ordinance may be extended by subsequent ordinance of the City Council during the continuation of the current declaration of a local state of disaster within San Marcos, Texas due to the COVID-19 pandemic.

SECTION 3. Nothing in this ordinance shall be construed as a waiver of the obligation of any person operating a food establishment in San Marcos to obtain a valid permit. All other provisions of Chapter 18, Article 3 of the San Marcos City Code remain in full force and effect and shall continue to apply to the operation of food establishments.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the San Marcos City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED as an emergency measure on only one reading on May 5, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney