



ORDINANCE 2019-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS REPLACING 2008-02, THE BUILDING PERMIT FEES OF THE CITY TO REMOVE CONSIDERATION OF VALUE OF RESIDENTIAL DWELLING AND TO REMOVE CONSIDERATION OF COST OF CONSTRUCTION OR IMPROVING OF RESIDENTIAL DWELLING RELATED TO BUILDING PERMIT AND INSPECTION FEES; ADOPTING BUILDING PERMIT FEES BASED ON THE SQUARE FOOTAGE OF THE RESIDENTIAL STRUCTURE AND TOTAL VALUATION OF COMMERCIAL; PROVIDING FOR A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has established fees for a variety of City services, and amended the Fee Schedule as needed, in accordance with the City's authority under state law; and

WHEREAS, Texas House Bill No. 852 provides that in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling;

WHEREAS, Texas House Bill No. 852 was signed by the governor on May 21, 2019 and became effective immediately;

WHEREAS, the City has reviewed the currently adopted fees in the Fee Schedule and the associated costs to the City for providing those services, and has determined that there is a need for amendments to the Fee Schedule to remove all consideration related to the value of the residential dwelling and the cost of construction or improving the residential dwelling in various fees already adopted, and to make amendments to the regulations governing fees and the administration of City services associated with those fees in accordance with this new law, which is now known as Texas Local Government Code Section 214.907; and

WHEREAS, the City Council finds the amendments to the Fee Schedule proposed hereinbelow are reasonable and commensurate with the services provided, are not excessive, and should be adopted to further the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS, AS FOLLOWS:
SECTION 1. FINDINGS INCORPORATED.**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. FEE SCHEDULE AMENDMENT.

That the Building Permit Fees be amended to revise the table for Building Permit Fees to read in its entirety as follows:

Building Permit Fees		
1	Residential Construction (includes residential inspections)	.60 per sq. ft.
2	Residential additions/remodels	\$100.00 per trade
3	Fences	\$ 80.00
Commercial Construction		
Total Valuation		Fee
1	\$1.00 - \$10,000.00	\$140.76
2	\$10,001.00 - \$25,000.00	\$199.38 for first \$10,000.00, plus \$15.40 for each additional \$1,000.00 or fraction thereof, up to & including \$25,000
3	\$25,000.01 - \$50,000.00	\$430.38 for first \$25,000.00, plus \$11.11 for each additional \$1,000.00 or fraction thereof, up to & including \$50,000.00
4	\$50,000.01 - \$100,000.00	\$708.13 for first \$50,000.00, plus \$7.70 for each additional \$1,000.00 or fraction thereof, up to & including \$100,000.00
5	\$100,001.00 - \$500,000.00	\$1,093.13 for first \$100,000.00, plus \$6.16 for each additional \$1,000.00 or fraction thereof, up to & including \$500,000.00
6	\$500,001.00 - \$1,000,000.00	\$3,557.13 for first \$500,000.00, plus \$5.23 for each additional \$1,000.00 or fraction thereof, up to & including \$1,000,000.00
7	\$1,000,001 – and up	\$6,172.13 for first \$1,000,000.00, plus \$3.47 for each additional \$1,000.00 or fraction thereof
Plan Review Valuation		Fee
1	\$1.00 - \$10,000.00	50.00
2	\$10,001.00 - \$25,000.00	\$70.69 for the first \$10,000.00 plus \$5.46 for each additional \$1,000.00
3	\$25,001.00 - \$50,000.00	\$152.59 for the first \$25,000.00 plus \$3.94 for each additional \$1,000.00
4	\$50,001.00 – 100,000.00	\$251.09 for the first \$50,000.00 plus \$2.73 for each additional \$1,000.00
5	\$100,001.00 – \$500,000.00	\$387.59 for the first \$100,000.00 plus \$2.19 for each additional \$1,000.00
6	\$500,001.00 - \$1,000,000.00	\$1,263.59 for the first \$500,000.00 plus \$1.85 for each additional \$1,000.00
7	\$1,000,000,001.00 and up	\$2,188.59 for the first \$100,000.00 plus \$1.23 for each additional \$1,000.00

SECTION 3. SAVINGS/REPEALING CLAUSE.

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

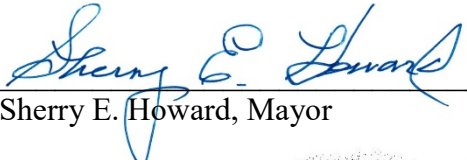
SECTION 4. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Tom Bean hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

SECTION 5. PUBLICATION/EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication of the caption, as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Tom Bean, Texas, on this 8th day of July 2019.


Sherry E. Howard, Mayor

ATTEST:


Cathy Pugh
City Secretary

