

ORDINANCE NO. 06042019-01

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS, AMENDING ORDINANCE NO. 07032018-02, ARTICLE I, TO INCLUDE AND UPDATE THE BUILDING CODE FEE SCHEDULE FOR FISCAL YEAR 2019; INCORPORATING RECITALS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Poteet (“City”) has determined that it needs to update its ordinance regarding permit fees due to the passing of certain legislation and to maintain the health, safety, governance and good order of the City; and

WHEREAS, on May 21, 2019, the Governor signed House Bill 852 which prohibits determining the amount of a residential building permit or inspection fee based on the value of the home or the cost of constructing or improving the residence and this Bill was effective immediately upon the Governor’s signature, and the City’s Permit Fees needs to be amended to comply with the new law; and

WHEREAS, due to House Bill 852 signed by the Governor of the State of Texas on May 21, 2019 an update to the fee schedule was required; and

WHEREAS, the City has determined the following are reasonable and necessary fees to offset costs to the City due to inspection and other services related to construction within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the City to update the permit fee schedule.

NOW, THEREFORE, IT IS ACCORDINGLY FOUND, DECLARED, AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS, THAT:

SECTION 1. AMENDMENT. That Ordinance No. 07032018-02, Article I, Building Permit Process, of the City of Poteet, Texas is hereby amended to include the following section which read as follows:

Permit Fee Schedule. The following permit fees as set forth in the City’s Building Code Fee Schedule shall be charged for permits in accordance with Exhibit “A” attached hereto:

SECTION 2. All provisions not amended herein shall remain unchanged.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 4. All Ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

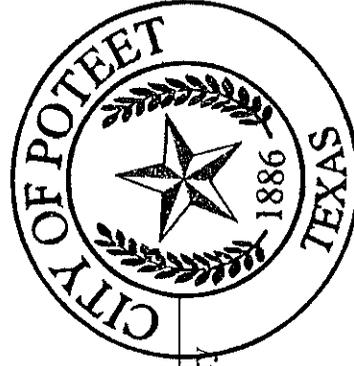
SECTION 5. It is officially found and determined that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, was given, all as required by Chapter 551, Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately after its passage, approval and publication according to law.

PASSED, APPROVED AND ADOPTED this 4th day of June 2019.

Attest:


Abigayle Frautschi, City Secretary



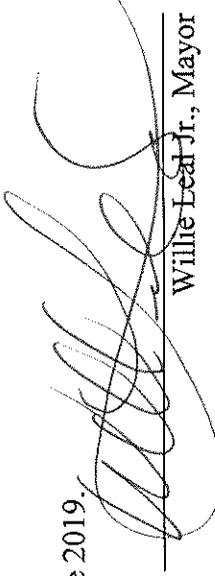

Willie Leat Jr., Mayor

EXHIBIT "A"

City of Poteet Building Code Amended Fee Schedule FY 2018-2019

ALL WORK REQUIRES A PERMIT NO EXCEPTIONS

Alarm Permit Fees:

| | |
|-------------|----------|
| Residential | \$50.00 |
| Commercial | \$100.00 |

Building Permit Fee:

Plan Review (required for all new, remodel and alterations) 55% of permit fees

Commercial (new and remodel)

\$2.00 per sq. ft.

Residential (new)

\$1.75 per sq. ft.

Residential (remodel, additions, and alterations)

\$1.25 per sq. ft.

All permits include any required trade permits

Sheds and Carports

Any size carport or shed over 300 sq. ft. with no utilities

\$.25 per sq. ft.

Any size carport or any size shed with utilities

\$.35 per sq. ft.

All sheds will need to be on concrete runners 24 inches, wide 4 inches deep, and length of the shed

Arbor/Pergola/Porches (any size)

Without utilities

\$.50 per sq. ft.

With utilities

\$.75 per sq. ft.

Deck

Less than 300 sq. ft. and less than 30 inches above grade

No fee

Greater than 300 sq. ft. or more than 30 inches above grade

\$100.00

Will require plan review and possibly structural engineer report

Fence

Under 7 feet in height

No fee

Over 7 feet in height

\$50.00

Masonry fences/walls exceeding 4 feet in height

\$75.00

(will require to be engineered and inspected)

Demolition

Residential

\$50.00

Commercial

\$100.00

All demolition requires a plan review and utility locate service

Swimming pool and hot tubs

All in ground pools and above ground over 5,000 gallons

\$100.00

Hot tub/ spa

\$50.00

Above ground pools less than 5,000 gallons

No fee

Will require plan review and inspection on all except above ground pools under 5,000 gallons

Roofing

Residential

\$50.00

Commercial

\$100.00

Could require plan review and inspection

Contractor's Registration

Mechanical Contractor

\$50.00

Electrical Contractor

No fee

Plumbing Contractor

No fee

Will require a copy of license and insurance

Certificate of Occupancy

| | |
|-------------------|----------|
| New business | \$125.00 |
| Existing business | \$75.00 |
| Re-Inspection | \$45.00 |

Rental Permit

| | |
|---------------|---------|
| Inspection | \$75.00 |
| Re-inspection | \$50.00 |

Inspection Re-inspection

| | |
|-------------------------------------|------------------------|
| Inspection outside of permit | \$50.00 per inspection |
| Inspection after hours | \$100.00 |
| First re-inspection for permit | \$50.00 |
| Additional re-inspection for permit | \$100.00 |

Street/Curb Cut

| | |
|------------|----------|
| Deposit | \$500.00 |
| Curb cut | \$50.00 |
| Street cut | \$150.00 |

Sign permit fees

| | |
|----------------------|--------------------|
| Signs Permanent | |
| 1 to 50 sq. ft. | \$100.00 |
| 51 to 100 sq. ft. | \$150.00 |
| 101 to 200 sq. ft. | \$250.00 |
| 201 to 300 sq. ft. | \$350.00 |
| 301 sq. ft. and over | \$1.25 per sq. ft. |

Signs Temporary (30 days maximum)

| | |
|------------------|-----------------------------|
| Banner Sign | \$50.00 |
| Political Sign | No fee |
| Real estate sign | \$5.00 |
| 30 day extension | 75% of original permit cost |

Work without permit

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|-------------------------------|--|
| First offense | 2 x calculated permit fees |
| Second and subsequent offense | 3 x calculated permit fees & Charges filed in Municipal Court |

Technology Fee

| | |
|---|-------------------------|
| No exceptions. Fee required for all permits | |
| Alarm | \$10.00 per each permit |
| All other permits | \$15.00 per each permit |

Refund

There will be no refunds of fees except in the following instances:

1. When it is determined that the permit was issued due to an error. A full refund may be authorized in this case.
2. When it is determined that a permit cannot be legally issued: or
3. When a permit has been issued and no portion of the work has been commenced. The City of Poteet will retain \$50.00, or the total amount of less than \$50.00, in the cases.

Fee Exemption

No permit fee is required for work involving building or structures; the title of which is directly vested in the U.S. Government, the State of Texas, the County of Atascosa, and the City of Poteet, or any registered non-profit with 501c documentation. This fee exemption shall not be construed as exempting any work from permits and inspections or any regulation of the City of Poteet.

Building Permit Fee

A building permit fee includes all fees for the building, electrical, plumbing, mechanical, and concrete work included on the plans submitted and performed during the construction. Construction work not submitted on the plans and/or commenced after the final inspection will require additional permits. Water and/or sewer taps are a separate fee.