

CITY OF HACKBERRY, TEXAS

ORDINANCE NO. 269-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HACKBERRY REPEALING ORDINANCE NO. 208-11, ADOPTING THE “2011 FEE SCHEDULE” AND ADOPTING THE “CITY OF HACKBERRY FEE SCHEDULE” AS SET FORTH IN EXHIBIT “A” HERETO SETTING FORTH FEES FOR BUILDING AND OTHER PERMITS AND SERVICES PROVIDED BY THE CITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hackberry, Texas is a general law municipality located in Denton County, Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, Governor Abbott signed HB 852 on May 21, 2019 enacting Section 214.907 of the Texas Local Government Code which prohibits municipalities from using valuation or cost of improvements as a basis to determine permitting fees for residential dwellings; and

WHEREAS, the City Administrator has reviewed the City’s permitting fees and has determined that changes are necessary to comply with Section 214.907, and that the proposed changes to the fee schedule set forth in Exhibit “A” to this Ordinance represent fees that are revenue neutral and fairly compensate the City for costs incurred for the services provided relative to fees for permitting and inspection of residential dwellings as well as for other services provided by the City; and

WHEREAS, the City has not made any changes to its Fee Schedule since 2011, however, after evaluating existing fees and the increased costs incurred by City for third party services and for services that City staff provides, the City finds it necessary that to adopt the fees set forth in Exhibit “A”, which fees include an increase to certain water and sewer fees as set forth herein; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the Fee Schedule should be amended as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKBERRY, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2. REPEAL/ADOPTION. Ordinance No. 208-11 of the City of Hackberry adopting the "2011 Fee Schedule" is repealed in its entirety and this Ordinance adopting the "City of Hackberry Fee Schedule" as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein, is hereby adopted in its entirety.

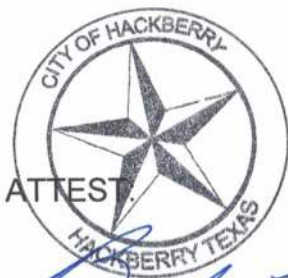
SECTION 3. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time 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 other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the ordinance shall remain in full force and effect

SECTION 4. SAVINGS. All rights and remedies of the City of Hackberry, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 5. SEVERABILITY. The provisions of the ordinance are severable. However, in the event this ordinance or any procedure provided in this ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Hackberry, Texas this ____ day of July 2019.



Brenda Lewallen

Brenda Lewallen, City Secretary

Ronald Austin

Ronald Austin, Mayor

APPROVED AS TO FORM:



Patricia A. Adams, City Attorney

EXHIBIT "A"

CITY OF HACKBERRY FEE SCHEDULE

BUILDING AND DEVELOPMENT FEES

Section 1.

Residential New Construction / Remodeling / Paving Only

Residential Permit Fees for new construction and remodeling shall be as follows:

- A. Building Permit \$0.76 PER SQUARE FOOT
- B. Plans Review Fee 65% of Building Permit Fee
- C. Garage not constructed at the same as primary structure \$0.40 PER SQ FT
- D. Swimming Pools:
 - In-Ground \$550
 - Above-Ground \$200
- E. Small Projects Permit (Retaining Walls, Deck, Etc.) \$75
- F. Energy Code Inspection \$300
- G. Remodeling - Any repair, alteration, or remodeling of a residence requiring inspection, to include garage conversion and roof repair of more than 50% of the roof \$0.40 per square foot
- H. Paving Only \$0.35 per square foot
- I. Re-inspection Fee: \$47, plus an additional 10% after the 2nd red tag

Section 2.

Commercial New Construction / Remodeling / Paving Only

Commercial Building Permit Fees for new construction shall be as follows:

A. Commercial New Construction:

<u>Total Valuation</u>	<u>Fees</u>
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to 500,000	\$993.73 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 & up	\$5,608.75 for the first \$1,000,00 plus \$3.65 for each additional \$1,000 or fraction thereof

Energy Code Inspection: \$300

Plans Review Fee of 65% of Building Permit Fee to be paid at the submittal of documents for plan review

Re-inspection Fee: \$47, plus an additional 10% after the 2nd red tag

B. Commercial Remodel Permit Fees

<u>Total Valuation</u>	<u>Fees</u>
\$1 to \$500	\$30
\$501 to \$2,000	\$30 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$993.73 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof up to and including \$1,000,000
\$1,000,001 & up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

Energy Code \$300
Plan Exam Fee of 65% of Building Permit Fee to be paid at the submittal of documents for plan review
Re-inspection Fee: \$47.00, plus an additional 10% after the 2nd red tag

C. Commercial - Paving Only:

<u>Total Valuation</u>	<u>Fees</u>
\$1 to \$2,000	\$75 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$95 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$400 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$650 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to 500,000	\$1,000 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$3,250 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof up to and including \$1,000,000
\$1,000,001 & up	\$5,600 for the first \$1,000,001 plus \$3.65 for each additional \$1,000 or fraction thereof

Re-inspection Fees: \$47, plus an additional 10% after the 2nd red tag

Section 3.
Work Requiring Permit but Exempt from Permit Fee

The following require a permit but do not require the payment of a permit fee:

- A. Detached accessory buildings used as tool and storage sheds when pre-constructed.
- B. Playhouse and similar structures as allowed by the Zoning Ordinance provided the floor area does not exceed 120 square feet.
- C. Fences under six (6) feet in height.

Section 4.
Irrigation Installation Fees

- A. Irrigation Inspections - \$100.00
- B. Re-inspection Fees: \$47, plus an additional 10% after the 2nd red tag

Section 5.
Culvert Inspection Fees

- A. Existing culvert with curb cut - \$100
- B. New culvert with curb cut - \$200
- C. New culvert or culvert extension without cut - \$100
- D. Initial Inspection Fee - \$35; \$42 for each additional inspection or re-inspection
(See also Section 21 for Public works/Engineering Fees.)
- E. 12" Diameter Galvanized CMP - \$8.33 per foot
- F. 18" Diameter Galvanized CMP - \$9.50 per foot
- G. 30" Diameter Galvanized CMP - \$11.00 per foot
- H. Connector Bands are the same price as a foot of pipe

Section 6.
Elevation and Drainage Inspection Fees

- A. Elevation/Drainage Fee (includes initial and final inspection) - \$275
- B. Each additional inspection or re-inspection - \$35

Section 7.
Demolition Fees

- A. Demolition (includes initial and final inspection) - \$200
- B. Each additional inspection or re-inspection - \$50

Section 8.
Flat Work/Driveway Foundation Inspection Fees

- A. Driveway not tying into city street - \$30
- B. Driveway tying into city street - See Paving Fees, Section 1 and 2 above.
- C. Flat work (patio, basketball court, etc.) - no electrical/plumbing - \$30
- D. Foundations (except mobile home) - No Fee (included in building permit)
- E. Mobile home foundation - Inspection Fee - \$75
- F. Reinspection fee for each of the above - \$40 plus 10% for each additional inspection.

Section 9.
Miscellaneous Building Fees

- A. Re-inspect fee 2nd red tag - \$47 (residential/commercial)
- B. Re-inspect fee 3rd and more red tags - \$47 plus 10% = \$51.70
- C. Fire plan review and inspection* - \$275 minimum, including all expenses for City staff time will require full reimbursement by applicant (*commercial only, requires Fire Marshall or City of Frisco Fire review and payment of fees from those agencies.)

Section 10.
Contractor Registration Fees

- A. Initial Contractor Registration and Identification Cards - \$50
- B. Annual Renewal of Registration - \$10

*Note: Required Registration and ID Cards - General, Plumbing, Electrical, and HVAC in accordance with state law

Section 11.
Water Well Permit Fee

Water Well Permit Fee - \$250

Applicants for water well permits shall pay a non-refundable permit fee when applying for such permit, and the City shall not act upon nor grant any water well permit until the permit fee has been paid in full. Permits will not be granted for water wells on property under one-half acre in size. New water wells drilled inside the city limits are restricted to landscaping use only and shall not be permitted to enter the wastewater collection system. The requirements of this section are subject to change as required by state law.

Section 12.
Move-In/Move-Out Permit Fee

Mobile/Mfg. Homes, Building (House/Storage/Etc.) – Inspection Fee - \$75 per section

*Note: Fee doubles if building is moved in or out without first receiving a permit.

Section 13.
Certificate of Occupancy (CO) Inspection Fees

- A. Initial Inspection Certificate of Occupancy (Residential and Commercial) - \$50
- B. Re-inspection for Certificate of Occupancy (Residential and Commercial) - \$35
- C. Commercial Units require annual inspections - \$25 annually after the initial inspection.

Section 14.
Temporary Vending Permit Fees

- A. Non-stationary/Temporary Mobile Vendor Fee - \$20
A Temporary Mobile Vendor is defined as a vendor that does not conduct business from one specific tract of land (one address) but travels throughout the city selling their goods and operates less than twelve (12) months out of a year. (example: ice cream vendor)
- B. Stationary Permanent Vendor Fee - \$30 –A Permanent Stationary Vendor is defined as a vendor that conducts business from one specific tract of land (one address and does not travel throughout the City selling their goods.)
- C. Garage/yard sales - Permit is required but there is no fee for the permit.
- D. Lemonade or Other Non-alcoholic Beverage Sales - No Permit is required, and no Fee is due for the occasional sale of lemonade or other nonalcoholic beverage sold by a person younger than 18 years of age when operated from a stand on private property or in a public park.

Vending as it relates to food and/or drink service means the sale of undisturbed, factory pre-packaged food and/or drink items.

*Note: Vendors serving food and/or drink that do not meet the above description, please see "Food Service Permit"

Section 15.
Food Service Permit Fees (Annual Registration and Inspection)

- A. Food Service Establishments - \$150 per separate and distinct facility and operation, whether situated in the same building or a separate location.
- B. Grocery - \$250
- C. Restaurant/Club (New Application & Annual Inspection) - \$250
- D. Temporary/Seasonal Food Service Establishments - \$150
- E. Food Sales at Temporary Event Fee - \$150
- F. Convenience Store with a Deli (Annual Inspection) Fee - \$200
- G. Convenience Store without a Deli (Annual Inspection) Fee - \$175
- H. Re-inspection - One-half (1/2) the Health Inspector's fee.

Section 16.
Business Related Fees

Alcoholic Beverages Selling and/or Serving:

Annual Fee - One-half (1/2) of the fee charged by the State of Texas as provided for and by the state law.
The Fee is due by the 15th day of January- annually.

Section 17.
Public Swimming Pools and Spas Permit Fees (Annual Inspection Required)

- A. Public Swimming Pool or Spa - \$250 per separate and. distinct facility and operation whether situated in the same building or at separate locations.
- B. Re-inspection - One-half (1/2) the cost of one inspection by the Health Inspector.

*Note: Before a permit is issued, an applicant shall pay the fee(s) as required. The fees are due and payable on the 15th of January for each calendar year after the first year of issuance

Section 18.
Water and Sewer Fees

- A. Late Fees: A customer will be charged a 10% late fee for any balance due on a utility billing account after the 15th of each month.
- B. Tap Fees:
 - (i) Water Tap Fee - \$2,000 + materials and labor
 - (ii) Sewer Tap Fees - \$2,000 + materials and labor
- C. Deposits:
 - (i) Water - \$120
 - (ii) Sewer - \$80
 - (iii) Sanitation - \$25
- D. Connect Fees:
 - (i) Initial Connect Fee - \$25
 - (ii) Reconnect Fee (Remove Lock) - \$50
 - (iii) Reconnect/Reinstall Meter - \$100
- E. Failed Piping (Reinstall Water/Sewer Tap) – Actual Cost of Time and Materials
(Failed piping on private property requiring the plugging of a tap and re-tapping of the line.)
- F. Orange Tag Fee - \$10
- G. Water/Sewer/Sanitation Rates: See Ordinance Number 258-18

Section 19.
Miscellaneous Fees

- A. Return Check Fee - \$35
*Note: After the third returned check the City will accept money orders or cashier's checks only for that person/agency/company. THE CITY DOES NOT ACCEPT CASH.
- B. Document Filing Fee (County courthouse) - billed minimum of \$35 or at 120% of invoice, whichever is greater.
- C. Appeal Fee for reconsideration of a denial of an application - \$100
- D. Open Records Request -Staff time at \$30 per hour plus ten cents (\$0.10) per copy – fees charged in accordance with state law.

Section 20.
Public Works/Engineering Fees

- A. Administrative Processing Fee - 1% actual construction cost
- B. Public Facilities Plan Review - \$500 + 1% est. construction cost
- C. Public Facilities inspection - 4% actual construction cost (cost of water/sewer/paving/storm drains)
- D. ROW/Easement Crossing Permit - \$200
- E. ROW/Easement Dedication Processing - \$250
- F. Street Lights - \$50/light (minimum 4 lights)
*Note: Developer pays installation +2 years operations
- G. Culvert/Approach Permit - \$150 (See also Section 5 for Culvert Inspection Fees)
- H. FEMA Map Amendment Review - \$500 + Federal Review Fees (actual cost of administration, review and processing of the application)

Section 21.
Development Application Fees

- A. Zoning Change/ Special Use Permit Fees:
 - (i) Zoning - 0 to 5 acres - \$500.00
 - (ii) Zoning - Excess of 5 acres -\$500 plus \$10 per acre over 5 acres
 - (iii) Specific Use Permit - \$200 plus postage for notification
- B. Zone change Case Withdrawal:
 - (i) Before publication of a notice of Public Hearing - 50% Refund
 - (ii) After Publication - No Refund
- C. Planned Development - \$1,000 + \$10/acre
- D. Variance/Appeal to Board of Adjustments - \$200
- E. Site Plan (w/engineering plans) - \$1,500 + \$50/acre
- F. Preliminary Plat (w/preliminary plans) - \$1,000 + \$5/acre + filing fees
- G. Final Plat (w/construction plans) - \$1,000 + \$5/acre + filing fees
- H. Short Form Plat - \$500 + filing fees
- I. Re-plat - \$500.00 + \$50 per affected lot + filing fee
- J. Community Facilities Policy Waiver - \$200
- K. Sign Permit - See Ordinance Nos. 193-09 (Sign Ordinance) and 207-11 (Zoning Ordinance)
- L. Zoning Administrator Interpretation Letter - \$100
- M. Annexation Request - \$200
- N. Subdivision name Change - \$200
- O. Street Name Change - \$200
- P. Zoning Verification letter - \$50
- Q. Traffic Impact Analysis (TIA) - \$1,500

*Note: All expenses, including legal fee, engineering fees, surveying fees, City staff time and postage costs for any required notifications will require full reimbursement by applicant.