

ORDINANCE NO. 2019.7.1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FLATONIA, TEXAS, BY AMENDING APPENDIX A FEE SCHEDULE, ARTICLE A4.000, BUILDING RELATED FEES, SECTION A4.006 BUILDING PERMITS FEES, PLAN REVIEW FEES AND INSPECTION FEES, PARAGRAPH (A) (3) SINGLE-FAMILY RESIDENTIAL CONSTRUCTION PERMIT, PLAN REVIEW AND INSPECTION FEES, AS AMENDED, BY REPLACING PARAGRAPH (A) (3) WITH A NEW TABLE THEREBY CHANGING THE CURRENT PERMITTING FEES TO BE BASED ON SQUARE FOOTAGE AND NOT ON VALUATION; BY AMENDING APPENDIX A FEE SCHEDULE, ARTICLE A4.000, BUILDING RELATED FEES, SECTION A4.006 BUILDING PERMITS FEES, PLAN REVIEW FEES AND INSPECTION FEES, PARAGRAPH (C) BY LIMITING THE USE OF VALUATION METHOD TO COMMERCIAL CONSTRUCTION; AMENDING APPENDIX A FEE SCHEDULE, ARTICLE A4.000, BUILDING RELATED FEES, SECTION A4.006 BUILDING PERMITS FEES, PLAN REVIEW FEES AND INSPECTION FEES, PARAGRAPH (D) BY ELIMINATING ITS APPLICABILITY TO RESIDENTIAL REMODELS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas State Legislature passed, and the Governor signed into law, HB 852, which became effective on May 22, 2019 and which prohibits municipalities from utilizing the value of new residential construction or the value of the dwelling or the cost of improvements to existing residences, as the case may be, in determining the amount of a building permit fees or inspection fees required in connection with the new residential construction or improvement of a residential dwelling; and,

WHEREAS, HB 852 further prohibits a municipality from requiring the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition precedent to obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program; and,

WHEREAS, the City Manager has received alternative fee schedules from the city's third party inspection company that is in compliance with HB 852; and

WHEREAS, the City Council has determined that adoption of the fee schedules recommended by its third party inspection company is necessary to comply with the new state law

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

Section 1. That Appendix A, Fee Schedules, Article A4.000, Building Related Fees, Section A4.006, Building permit fees, plan review fees and inspection fees, Paragraph (a) (3) Single-family residential construction permit, plan review and inspection fees, Code of Ordinances of

the City of Flatonia, Texas be and it is hereby amended by replacing the entire paragraph (a) (3) to hereafter read as follows:

ARTICLE A4.000 BUILDING RELATED FEES

Sec. A4.006 Building permits fees, plan review fees and inspection fees

(a) Building Permit Fees, Plan Review Fees and Inspection Fees shall be based on the fee structure set forth in the tables below:

(3) Single-family residential construction permit, plan review and inspection fees:

New Residential Construction	
Square Footage (S.F.)	Fee
0 – 1,500 S.F.	\$850.00.00
1,501 – 10,000 S.F.	\$850.00 for the first 1,500 S.F., plus \$0.38 for each additional S.F. to and including 10,000 S.F.
Over 10,000 S.F.	\$4,000.00 for the first 10,000 S.F., plus \$0.16 for each additional S.F. over 10,000 S.F.
Alteration/Addition for Residential Construction	
Trade Permits	Fee
Building, Mechanical, Electrical, Plumbing, Fuel Gas and similar	\$110.00 per trade
Other project types not listed above	\$175.00 per trade

*This table applies to Dwelling, Single Family Attached; Dwelling, Single Family Detached; and Dwelling, Two-Family only.

Section 2. That Paragraph (c) of Section A4.006, of Article A4.000, of Appendix A of the Code of Ordinances of the City of Flatonia, Texas is hereby amended by deleting the following in its entirety with no replacement:

(c) The construction valuation is determined by the greater of the declared valuation of the project or the valuation calculated using the International Code Council Building Valuation Data table, first update of each calendar year. Valuations will be determined at the time of permit application. This paragraph does not apply to residential construction.

Section 3. That Paragraph (d) of Section A4.006, of Article A4.000, of Appendix A of the Code of Ordinances of the City of Flatonia, Texas is hereby amended by deleting the following in its entirety with no replacement:

(d) The permit and inspection fees for commercial remodel shall be assessed 50% of the fee calculated above..

Section 4. Article A4.000, Building Related Fees, Code of Ordinances, City of Flatonia, Texas, shall, except as amended herein, remain in full force and effect.

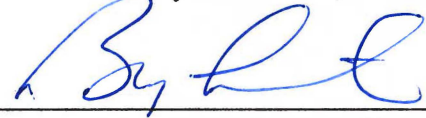
Section 5. Any articles, sections or subsections of the Code of Ordinances, City of Flatonia, Texas, inconsistent with the provisions hereof are hereby expressly repealed.

Section 6. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions or sets of circumstances shall not be affected hereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provisions or regulation contained herein shall become inoperative or fail by reason of an unconstitutionality and all provisions of this Ordinance are declared to be reasonable.

Section 7. This ordinance shall be effective upon its passage.

PASSED and APPROVED on this 9th day of July 2019.

City of Flatonia, Texas



Bryan Milson
Mayor

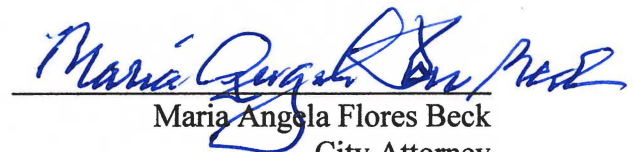
Attest:

(Seal)



Melissa Brunner, TRMC, CMC
City Secretary

Approved as to form:



Maria Angela Flores Beck
City Attorney