

ORDINANCE NO. 2019-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BASTROP CITY CODE OF ORDINANCES, APPENDIX A – “FEE SCHEDULE,” SEC. A3.01. – “GENERAL PROVISIONS,” SEC. A3.04. - “BUILDING CODE,” SEC. A3.05. – “ELECTRICITY—ELECTRICAL CODE,” SEC. A3.06. – “PLUMBING CODE,” SEC. A3.07. – “MECHANICAL CODE,” SEC. A3.15. – “SWIMMING POOLS,” SEC. A3.16. – “MOVING OF STRUCTURES, DEMOLITION AND SITE WORK,” SEC. A3.20. – “SIGNS,” SEC. A3.21. – “STREETS, RIGHTS-OF-WAY AND PUBLIC PROPERTY,” SEC. A10-03. – “SUBDIVISION ORDINANCE,” SEC. A14.01. – “ZONING—GENERAL PROVISIONS” AND ADDING A NEW SECTION A5.10 “FIRE PLANNING REVIEW AND INSPECTION FEES,” AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and/or Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction; and

WHEREAS, House Bill 852 of the 86th Session of the Texas Legislature requires that: (1) 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; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program; and

WHEREAS, In order to ensure compliance with House Bill 3167 and House Bill 852, portions of Appendix A – Fee Schedule, Sec. A3.01. - General provisions, Sec. A3.04. - Building code, Sec. A3.05. - Electricity—Electrical code, Sec. A3.06. - Plumbing code, Sec. A3.07. - Mechanical code, Sec. A3.15. - Swimming pools, Sec. A3.16. - Moving of Structures, Demolition and Site Work, Sec. A3.20. – Signs, Sec. A3.21. - Streets, rights-of-way and public property, Sec. A10-03. - Subdivision ordinance, Sec. A14.01. - Zoning—General provisions will need to be amended Sec. A5.10 – Fire planning review and inspection fees will need to be added; and

WHEREAS, The City’s current fee schedule is based on valuation and House Bill 852 now prohibits that practice; and

WHEREAS, Development and building permit fees should adequately reflect the cost of services associated with providing the related services after the processes and policies have been met under the mandates of House Bill 852 and House Bill 3167; and

WHEREAS, the current fee revenues do not cover the cost of service, therefore, the citizens and taxpayers are left subsidizing the difference. The City’s goal is to be at 75% - 25% ratio, where development fees cover 75% of the cost of service and the remaining 25% is covered through the General Fund; and

WHEREAS, the City will achieve the 25% coverage by assisting individuals to maintain and ensure quality local development, by limiting certain expenses associated with permits and associated review typically utilized by residents, through the offset of revenue received from the General Fund.

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

That the Master Fee Schedule and Appendix A – “Fee Schedule,” shall be amended by amending the fees in Sec. A3.01. – “General provisions,” Sec. A3.04. – “Building code,” Sec. A3.05. – “Electricity—Electrical Code,” Sec. A3.06. – “Plumbing code,” Sec. A3.07. – “Mechanical code,” Sec. A3.15. – “Swimming pools,” Sec. A3.16. – “Moving of Structures, Demolition and Site Work,” Sec. A3.20. – “Signs,” Sec. A3.21. – “Streets, rights-of-way and public property,” Sec. A10-03. – “Subdivision ordinance,” Sec. A14.01. – “Zoning—General provisions,” and by adding and incorporating the fees in a new Sec. A5.10 – “Fire planning review and inspection fees” of Appendix A, as described and attached hereto as Exhibit “A.”

SECTION 3. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 6. EFFECTIVE DATE

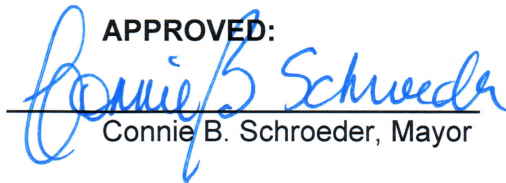
This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS

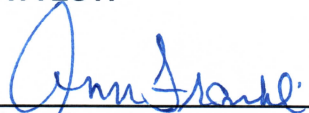
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 14th day of August 2019.

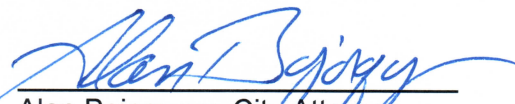
READ & APPROVED on the Second Reading on the 27th day of August 2019.

APPROVED:
by 
Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney

City of Bastrop Code of Ordinances

APPENDIX A - FEE SCHEDULE

APPLICATION	FEE
Administration fee (per application)	5% of application fee
Completeness Check	\$250
Sec. A10-03. - Subdivision ordinance	
Subdivision	
Preliminary Plat	\$1,700 + \$125 per acre
Final Plat/Short Form Final Plat	\$1,275 + 125 per acre
Replats/Vacation	\$1,275 + \$25 per acre
Administrative Plats Amended or Minor	\$1,275 + 125 per Acre
Plat Recordation with the County	\$150+ fees charged by Bastrop County
Lot of Record Verification	\$50
Public Improvement Plan Review	\$5,000 minimum + all professional fees*
Public Improvement Inspections	3.5% of total cost of improvement, \$2,500 minimum
Public Improvement Plan Agreement Review	\$3,000 + all professional fees*
Subdivision Variance	\$1000
Traffic Impact Analysis	\$525 + all professional fees*
Right-of-Way Vacation	\$1,700
Easement Vacation	\$ 1,700
License to Encroach, Easement/ROW	\$500 + all professional fees*
Conceptual Drainage Plan Review	\$1,200
Preliminary Drainage Plan review	\$2,300
Final Drainage Plan Review	\$1,500
Infrastructure Plan Review	\$1,900
Meeting Re-Notification	\$500, if required by applicant action
Parkland Dedication:	
Less than 4 dwelling units per building	\$500 per Unit
4 or more dwelling units per building	\$400 per Unit
Site Development	
Site Development Plan Review	\$1700 + \$125 per acre
Site Development Plan Revision	\$500
Site Development Inspection	\$200
Final Drainage Plan Review	\$1,500

Misc. Administrative Plan Review	\$500
GIS Mapping Fees	
Map Printing	\$6.67 per square foot + \$50 an Hour
Custom Map	\$250 per hour
Public Improvement Plan Digitizing	\$250 per hour May be waived if digital plans provided per City specifications
Sec. A14.01. - Zoning—General provisions.	
Zoning	
Standard Zoning:	\$3,000
Planned Development Zoning	\$9,000 + \$200 per acre (rounded up)
Conditional Use Permit	\$2,500
Zoning Variance	\$3,500
Appeal of Administrative Decision	\$500
Development, License, Agreement	\$3,000 + professional fees*
Consent agreements for MUD, PID, SUD, WCID, etc.	\$25,000 + Professional fees*
Zoning Verification Letter	\$250
Meeting Re-notification	\$500, if required by applicant action
Certificate of Appropriateness	\$50
Certificate of Appropriateness - Demolition or Relocation	\$100
*Per Bastrop Code of Ordinances, Chapter 1, Article 1.14	

PERMIT/INSPECTION	FEE
Technology fee (per permit application)	\$6
Administration fee (per permit application)	%5 of permit fee
Emergency Repair	50% reduction (must be verified by Building Official) (No 5% Admin fee)
General Construction	
New Construction Permit - Commercial	Value \$1,000,000 or less: \$7.50 per \$1,000 of valuation*
	Value over \$1,000,000: \$7,500 for the first \$1,000,000 of valuation* plus \$4.00 per additional thousand
	*SF Value based on ICC Building Valuation Data
New Construction Permit - Residential	Less than 900 sf; \$650 (includes trade permits) 901 to 1,500 sf; \$1,200 plus \$0.25 per sf 1,500 to 4,999 sf; \$1,500 plus \$0.25 per sf Greater than 5,000 sf; \$2,000 plus \$0.25 per sf
Accessory Dwelling Unit Finish-Out	\$500 (includes trade permits)
Accessory Structure (non-habitable)	\$75 (No 5% Admin fee)
Accessory Building (electric, plumbing, etc.)	\$200 (No 5% Admin fee)
Residential Kitchen Remodel	\$100 (includes trade permits) (No 5% Admin fee)

Residential Bathroom Remodel	\$75 (includes trade permits) (No 5% Admin fee)
Residential Misc. Remodel	\$75 (includes trade permits) (No 5% Admin fee)
Minimum (Base) Permit Fees if no fees mentioned are applicable:	
Residential	\$100
Commercial	\$500
Commercial Shell Building Permit	65% of the New Construction Permit Fee
Commercial Tenant Finish out	65% of the New Construction Permit Fee, per finish out area
Commercial Remodel Permit Fee	\$1,000 plus \$.50 per sqft.
Residential Inspection Fee (with New Construction Permit)	25% of New Construction Permit Fee
Commercial Inspection Fee (with New Construction Permit)	35% of New Construction Permit Fee
Miscellaneous Inspections Commercial	\$75 per inspection; After hours \$75 per hour 2 hour min.
Miscellaneous Inspections Residential	\$25
Failed re-inspections	\$75 per inspection
Roofing Permit:	
Residential	\$150
Commercial	\$500 + \$.10 a Sqft.
Construction Trailer	\$500 <i>Does not include fees from other utilities</i>
Accessory Buildings	160 sf or less: \$75 Over 160 sf: \$300
Fences - Commercial	\$175
Fences - Residential	\$25
Certificate of Occupancy	\$250 \$25 to reissue a copy
Floodplain Permit:	
Single Family or community facility	\$150
Multifamily, commercial or industrial	\$250
Fire	
See Fire Plan Review & Inspection fees	Appendix A
Electric	
Residential Trade Fee (each project/permit)	\$75
Commercial Trade Fee (each project/permit)	\$200 per building, plus \$150 per additional floor (+1 stories)
Inspection Fees (Re-inspect or Failed)	\$100
Emergency Electric Repair (upgrade required)	No Fee

Plumbing	
Residential Trade Fee (each project/permit)	\$75
Commercial Trade Fee (each project/permit)	\$200 per building, plus \$150 per additional floor (+1 stories)
Inspection Fees (Re-inspect or Failed)	\$100
Water Heater Replacement	\$50 (No 5% Admin fee)
Irrigation	
Residential Irrigation Permit	\$75
Commercial Irrigation Permit	\$200
Inspection Fees (Re-inspect or Failed)	\$100
Mechanical	
Residential Trade Fee (each project/permit)	\$75
Commercial Trade Fee (each project/permit)	\$200 per building, plus \$150 per additional floor (+1 stories)
Inspection Fees (Re-inspect or Failed)	\$100
HVAC Replacement	\$50 (No 5% Admin fee)
Swimming Pool	
Residential Permit	\$200
Commercial Permit	\$750
Inspection Fees (Re-inspect or Failed)	\$100
Moving of Structures, Demolition, Site Work	
Demolition Permit:	
Residential	\$350
Commercial	\$500
Moving Permit:	
160 sq. ft. or less	\$25
Over 160 sq. ft.	\$200
Road Closure/ROW obstruction	\$150
Inspection Fee	\$75 per inspection
Signs	
New Free-Standing Sign Application	\$200 plus \$2/ft. of sign height and \$2/sq. ft. of sign area
New Wall Sign Permit Application	\$100 plus \$1/sq. ft.
Temporary Sign	\$50/month
Repair or reface existing sign cabinet	\$75
Master (Comprehensive) Sign Plan	\$500
Streets/Right-of-Way and Public Property	
Work within the Right-of-Way Permit (driveway, sidewalks, culvert or drainage channel mod., etc.)	\$200
Penalty Fees	

Work commencing prior to permit issuance will be the greater of:	100% of the calculated permit and inspection fee OR
	\$150 in addition to permit and inspection fees
Professional & Consulting	
Professional Fees	Actual fee, plus 15% administrative fee

Section A.5.10 – Fire Planning Review and Inspections

Category	Fee
Cancellation Fees	
Cancellation Fee	\$100.00
License/Use Permits	
Fire Protection System Permit	\$30.00
Annual permit to ensure that life-safety systems including sprinkler systems, alarm systems, stand-pipe systems, and hood systems, have been inspected by a third party.	
Hazardous Materials Permit Fee	Variable based upon Haz-Mat
Fees paid once every 3 years. Note: Range based on number of gallons of liquid, pounds of solid, and cubic feet of gas.	
Hazardous Materials Permit Renewal	Variable based upon Haz-Mat
High Pile Review	\$145.00
High Pile Review with Hazmat	\$215.00
High Pile Storage Permit	
<i>Annual Fee for High Pile Storage</i>	
0-15,000 sq. feet	\$100.00
15,001-50,000 sq feet	\$200.00
> 50,001 sq feet	\$300.00
Printing/Copies	

Inspection Reports	Same
System Plans and Calculations	Same
Professional Services/Analysis	
After Hours Fire Inspection	\$100/hr (2 hr minimum)
Annual State Short-Term Occupancy Inspections	
Includes Daycare, Foster Care, Adoption, Halfway Houses, Group Care, MHMR, Adult Daycare, or other short term	
1-30 Occupants	\$75.00
>30 Occupants	\$150.00
Clean Agent Extinguishing System Inspection	
1-50 heads	\$145.00
> 50 heads	\$145 + \$0.50 per head over 50
Fire Alarm System Inspection	
1-10 devices	\$100.00
11-25 devices	\$150.00
26-100 devices	\$200.00
100-200 devices	\$250.00
>200 devices	\$250 + \$0.50/device over 50
Fire Sprinkler System Inspection	
1-10 devices	\$100.00
11-25 devices	\$150.00
26-100 devices	\$200.00
100-200 devices	\$250.00
>200 devices	\$250 + \$0.50/device over 50
Fire Final (Certificate of Occupancy) Inspection	
0-10,000 sq ft	\$100.00
> 10,000 sq. ft.	\$100 + \$1.00/SF over 1000
Fire Pump Test	\$315.00
Generator Testing	
<660 gallons of fuel	\$100.00
>660 gallons of fuel	\$150.00
Hospitals/Similar Occupancy Inspections	\$100

Nursing Home/Occupancy Inspections	\$100
Hydrant Flow Testing Reports	
Actual flow test performed	\$150.00
Each additional hydrant	\$75.00
Pulled from files	\$25.00
Hydrostatic Tests	\$100.00
Kitchen Extinguishing Hood System Test	\$100.00
Miscellaneous Inspections	\$100 plus \$50/hr over 1st hr
Mobile Food Vendor Inspection (LP Gas)	\$100.00
Inspection of use, storage, handling and transportation	
Standpipe Flow Test - Requires Eng. Company	
1st building	\$600.00 / building
Additional building	\$150 per addtl bldg
State Licensed Occupancy Inspections	\$100.00
Includes Labs, Clinics, Massage Therapy, Rehabilitation, Bonded Warehouses, Physical Therapy, or other similar	
Re-inspection Fee	\$125 plus \$65/hr over 2 hrs
Site/Plan Reviews	
Access Control & Egress Impact Systems Review (per system submitted)	\$125.00
Dry/Wet Chemical & Clean Agent System Review (per system submitted)	\$125.00
Fire Alarm System Plan Review	
"Alarm devices" include individual pieces of equipment such as initiating devices, signaling devices, fire alarm panels, and power extenders.	
1-10 devices	\$50.00
11-25 devices	\$100.00
26-100 devices	\$150.00

100-200 devices	\$200.00
>200 devices	\$200.00
Charge for drawings to a scale other than 1/8"=1'	\$10.00 per sheet
Fire Sprinkler System Plan Review	
1-10 heads	\$50.00
11-25 heads	\$100.00
26-100 heads	\$150.00
100-200 heads	\$200.00
>200 heads	\$200.00
Charge for drawings to a scale other than 1/8"=1'	\$10.00 per sheet
Standpipe Systems Review (per system submitted)	\$150.00
Site Plan Review	\$150.00
Building Permit Review	\$100.00 + \$0.10 per SF
Miscellaneous Plan Review	\$150.00
Preliminary Design/Review Fee	\$100/hr (1 hr minimum)
This fee is charged to the customer for staff time needed to provide code consultations, code interpretations, and preliminary design input for new architectural and engineering designs.	
Resubmittal Fee	
1st resubmittal	\$75.00
>2 resubmittals	\$125 per submittal
Special Events	
Burn Permit (Special Event)	\$100.00
Carnival/Circus Operational Permit	\$200.00
Permit required for outdoor events with expected attendance of > 75 people with some exceptions granted	

Festival/Fair Operational Permit	
49 - 499 Expected Attendees	\$150.00
>500 Expected Attendees	\$300.00
Fire Watch (Stand By for Special Events)	\$100/hr (2 hr minimum)
Fireworks/Pyrotechnics	\$200.00
<i>Fee includes plan review, license review, and site inspection</i>	
Public Assembly Permit	\$150.00
Annual permit requirement for nightclubs	
Re-inspection Fee for Special Events	\$16.00
Fee is charged for inspector to revisit a special event site due to safety findings in initial inspection	
Special Effects	\$100.00
Special Event Permit Revision Fee	\$75.00
Fee is charged for a re-review of site plan changes for a special event	
Stand By Type VII Fire Apparatus	\$150 per hr. (2 hr minimum)
This is for a six wheeler ATV with 2 firefighters.	
Stand By Type VI Fire Apparatus	\$200 per hr. (2 hr minimum)
This is for a Brush Truck with 2 firefighters.	
Standby Fire Apparatus (Engine Company)	\$300 per hr. (2 hr minimum)
This is for a Fire Engine with 4 firefighters	
Temporary Change of Use Permit	\$150.00
Permit issued for hosting public events of > 50 people in a non-public event structure	
Temporary Helistop Permit	\$150.00
Permit is required to ensure temporary helistop is in compliance with adopted Fire Code and applicable NFPA standards	

Temporary Occupancy Load Adjustment	\$100.00
Tents/Temporary Membrane Structure Permit	\$100.00
Permit required for tents walled on any side in excess of 400 sq. ft. or any tent which exceeds 700 sq. ft. in area. Permit also required for temporary membrane structures.	
Theatrical Performance w/ Open Flame	\$100.00
Performances with open flames	
Trade Show/Exhibit Permit	\$100.00
Permit required for all events classified as trade shows, exhibits, or garden shows	
Trade Show/Exhibit Additional Floor Plan Review	\$50.00