

**ORDINANCE NO. 2007-O-77**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ESTABLISHING FEES FOR APPLICATIONS, PERMITS AND OTHER APPROVALS BY THE VILLAGE OF VOLENTE; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS, the charging and collecting of fees from applicants for approval of permits and other authorizations required under the ordinances of the Village of Volente ("Village") is necessary to eliminate the cost to the citizens of the Village to pay for the review, inspection and approval of applications submitted to the Village and will protect the public health and welfare of the citizens of the Village;**

**WHEREAS, the charging and collecting of fees for publications of Village codes and ordinances and copies of Village records requested under the Open Records Act is necessary and appropriate to reduce the cost of government paid for by the citizens of the Village;**

**WHEREAS, the Village Council finds that the following fees are necessary to recapture the costs of reviewing, inspecting and approving the applications filed with the Village and the costs of reproducing codes, ordinances and records of the Village;**

**WHEREAS, the Village Council recognizes that the amount of the fee for each of the following services will change from time to time necessitating the periodic review and revision to the following fees**

**NOW, THEREFORE , BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:**

**Section 1. Adoption of Findings of Fact.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the Village Council and made part hereof for all purposes, as findings of fact.

**Section 2. Authorization.** The following Article is hereby adopted and after the publication of the caption of this ordinance for the time and manner as required by the Tex. Loc. Gov't Code, be in force and effect within the Village, and shall read as follows:

**CHAPTER 27.100: VILLAGE FEE PROVISIONS**

**DIVISION 1: FEE SCHEDULE**

**All fees are non-refundable and due at time of submittal unless otherwise noted.**

**Sec. 27.101 LAND USE**

|  | <b>Administrative Fee</b> | <b>Professional Services Estimate</b> | <b>Property Owner Notifications</b> | <b>Additional Fees</b>          |
|--|---------------------------|---------------------------------------|-------------------------------------|---------------------------------|
| Code of Ordinances Book                        | \$100.00                  |                                       |                                     |                                 |
| Comprehensive Plan                             | \$75.00                   |                                       |                                     |                                 |
| Zoning Ordinance                               | \$15.00                   |                                       |                                     |                                 |
| Rezoning Application                           | \$250.00                  | \$250.00                              | \$4.00 per notification             |                                 |
| Conditional Use Permit Application             | \$250.00                  | \$250.00                              | \$4.00 per notification             |                                 |
| Variance from Zoning Ordinance                 | \$250.00                  | \$250.00                              | \$4.00 per notification             |                                 |
| Professional Service Consulting Fee (Per Hour) | \$125.00                  |                                       |                                     |                                 |
| Comprehensive Plan Amendment                   | \$50.00                   | \$200.00                              |                                     |                                 |
| Annexation                                     |                           | \$1,500.00                            |                                     |                                 |
| PDD Zoning & Preliminary Development Plan      | \$1,000.00                | \$3,000.00                            | \$4.00 per notification             | \$50 per lot or commercial acre |

**Sec. 27.102 SUBDIVISIONS**

|                       | <b>Administrative Fee</b> | <b>Professional Services Estimate</b> | <b>Property Owner Notifications</b> | <b>Additional Fees</b>          |
|-----------------------|---------------------------|---------------------------------------|-------------------------------------|---------------------------------|
| Subdivision Ordinance | \$15.00                   |                                       |                                     |                                 |
| Preliminary Plat      | \$350.00                  | \$500.00                              |                                     | \$50 per lot or commercial acre |
| Final Plat            | \$595.00                  | \$500.00                              |                                     | \$50 per lot or commercial acre |
| Replat                | \$595.00                  | \$500.00                              | \$4.00 per notification             | \$50 per lot or commercial acre |
| Amended Plat          | \$350.00                  | \$350.00                              |                                     |                                 |

|  |  |            |                         |                                 |
|--|--|------------|-------------------------|---------------------------------|
| Vacation of Final Plat                 | \$350.00   | \$500.00   |                         |                                 |
| Minor Plat/Replat                      | \$350.00   | \$500.00   |                         |                                 |
| Variance from Subdivision Ordinance    | \$250.00   | \$250.00   |                         |                                 |
| Construction Plan Review & Oversight   | \$100.00   | \$1,500.00 |                         | \$50 per lot or commercial acre |
| Construction Inspection                | 1.5 % of Public Infrastructure Construction Cost |            |                         |                                 |
| PDD Final Plat, Final Development Plan | \$500.00   | \$500.00   | \$4.00 per notification | \$50 per lot or commercial acre |

**Sec. 27.103 SITE DEVELOPMENT**

|  | <b>Administrative Fee</b> | <b>Professional Services Estimate</b> | <b>Property Owner Notifications</b> | <b>Additional Fees</b>   |
|--|---------------------------|---------------------------------------|-------------------------------------|--|
| Site Development Ordinance                               | \$75.00                   |                                       |                                     |  |
| NPS (Water Quality) Ordinance                            | \$15.00                   |                                       |                                     |  |
| Concept Plan   | \$350.00                  | \$1,000.00                            |                                     | \$5 per lot or commercial acre                                       |
| Preliminary Site Plan Approval                           | \$350.00                  | \$1,000.00                            |                                     | \$120 per lot or commercial acre                                     |
| NPS (Water Quality) Construction Permit                  | \$50.00                   |                                       |                                     |  |
| NPS (Water Quality) Annual Operating Permit              | \$150.00                  | \$500.00                              |                                     |  |
| Site Development Permit - All Construction               | \$100.00                  | \$1,000.00                            |                                     | \$120 per lot or commercial acre                                     |
| Building Demolition Permit                               | \$100.00                  |                                       |                                     |  |
| Building Relocation Permit                               | \$55.00                   |                                       |                                     |  |
| Tree removal/Land Clearing Permit                        | \$100.00                  | \$250.00                              |                                     | \$10.00 per caliper inch of protected or specimen trees not replaced |
| Site Development/NPS Inspection and Re-Inspection (Each) | \$55.00                   |                                       |                                     |  |
| Variance from Site Development Ordinance                 | \$250.00                  | \$250.00                              |                                     |  |

|   |          |            |                            |
|---|----------|------------|----------------------------|
| Variance from NPS<br>(Water Quality)<br>Ordinance       | \$250.00 | \$500.00   |                            |
| Right-of-Way Permit                                     | \$150.00 | \$500.00   |                            |
| Blasting Permit   | \$500.00 | \$1,500.00 | \$4.00 per<br>notification |
| Single Family<br>Residential Site<br>Development Permit | \$300.00 | \$500.00   |                            |
| Pre Construction<br>Inspection                          | \$75.00  |            |                            |
| Post Construction<br>Inspection                         | \$100.00 |            |                            |
| Re-Inspection (Each)                                    | \$65.00  |            |                            |

**Sec. 27.104 RESIDENTIAL BUILDING PERMITS**

|   | <b>Administrative<br/>Fee</b> | <b>Included</b>     |
|---|-------------------------------|---------------------|
| Application Fee   | \$250.00                      | Nine<br>Inspections |
| Building Plan Review<br>(Residential Only)                          | \$275.00                      |                     |
| Additional Inspections<br>and Re-Inspections<br>(Each)              | \$65.00                       |                     |
| Resubmittal Fee - Plan<br>Review                                    | \$100.00                      |                     |
| Storage Building (under<br>100 sq ft, no Plumbing<br>or Electrical) | \$60.00                       |                     |
| Sheathing (Inspection<br>Only)                                      | \$60.00                       |                     |
| Temporary CO's  | \$60.00                       |                     |

**Sec. 27.105 COMMERCIAL BUILDING PERMITS**

|  | <b>Administrative<br/>Fee</b> | <b>Additional<br/>Fees</b>       |
|--|-------------------------------|----------------------------------|
| Application Fee                              | \$500.00                      |                                  |
| Frame  |                               | \$0.30 per sq ft (\$40 Minimum)  |
| Plumbing Permit                              |                               | \$0.20 per sq ft (\$40 Minimum)  |
| Electrical/Mechanical Permit                 |                               | \$0.20 per sq ft (\$40 Minimum)  |
| Flatwork (Includes Pervious and Impervious)  |                               | \$0.30 per sq ft (\$40 Minimum)  |
| Building Plan Review and Inspection          |                               | \$0.30 per sq ft (\$100 Minimum) |
| Plan Review Only (Commercial)                | \$78.00 per hr                |                                  |
| Temporary Electric Loop                      | \$78.00                       |                                  |
| Permanent Power (before Final)               | \$78.00                       |                                  |
| Gas ( Inspection /Release)                   | \$78.00                       |                                  |
| Sheathing (Inspection Only)                  | \$78.00                       |                                  |
| Temporary CO's                               | \$78.00                       |                                  |
| All Inspections and Re-Inspections           | \$60.00                       |                                  |
| Construction Sales/Trailer (Each Inspection) | \$78.00                       |                                  |

**Sec. 27.106 MISCELLANEOUS BUILDING PERMITS**

|   | <b>Administrative<br/>Fee</b> | <b>Professional<br/>Services<br/>Estimate</b> | <b>Additional<br/>Fees</b> |
|---|-------------------------------|---|----------------------------|
| Driveway/Culvert Permit                   | \$50.00                       | \$250.00                                      |                            |
| Swimming Pool/Hot Tubs (with plan review) | \$200.00                      |   |                            |

|  |          |                           |
|--|----------|---------------------------|
| Sprinkler System                                     | \$60.00  |                           |
| Sign Permit (with plan)                              | \$100.00 |                           |
| Manufactured Homes<br>(Four Inspections<br>Included) | \$250.00 |                           |
| Model Homes  | \$60.00  | \$50.00 annual<br>renewal |

**Sec. 27.107 OTHER**

|  | <b>Administrative<br/>Fee</b> | <b>Professional<br/>Services<br/>Estimate</b> | <b>Additional<br/>Fees</b>        |
|--|-------------------------------|---|-----------------------------------|
| Pre-Application<br>Conference                                  | \$250.00                      |   |                                   |
| Easement (new or<br>abandonment)                               | \$100.00                      | \$300.00                                      |                                   |
| Soliciting Permit (per<br>peddler/Vender, to be<br>determined) |                               |   |                                   |
| Wrecker Permit (Per<br>Towing and Wrecker<br>Ordinance)        |                               |   |                                   |
| Returned Check Fee   | \$35.00                       |   |                                   |
| Copies   | \$0.55 first<br>page          |   | \$0.15 Each<br>Additional<br>page |

**Sec. 27.108 MAPS**

|                                   | <b>Fee</b> |
|-----------------------------------|------------|
| Village Limits/Zoning<br>Large    | \$25.00    |
| Small (color)                     | \$10.00    |
| Floodplain/Address Map<br>or Book | \$25.00    |
| Roadway Map                       | \$10.00    |

**Sec. 27.109 MISCELLANEOUS PROVISIONS**

1. Quadruple Permit Fees will be charged for any work started before signing the permit or if building is occupied before a Certificate of Occupancy is granted. No new permits will be issued until all permit fees have been paid.
2. Electrical Inspections must be complete before a Certificate of Occupancy is granted. A stop work order will be issued on all permits where reinspection fees of \$300 or more are owed.
3. Professional Services Estimate - All professional service charges are subject to a 10% administrative surcharge by the Village and the applicant shall be responsible for all professional service and administrative charges that exceed the estimated amount listed.
4. Applicants shall be responsible for all professional service charges resulting from the attendance of the Village's consultants at public meetings in association with an application or permit.
5. Fees charged by the Village's attorney as a result of an application or permit shall be the responsibility of the applicant.

**Division 2 GENERAL PROVISIONS**

**Sec. 27.110**        **Construction:** The terms and provisions of this article shall not be construed in a manner to conflict with *the Texas Local Government Code, the Texas Water Code and the Texas Health & Safety Code*, and if any term or provision of this article shall appear to conflict with any term, provision or condition of these codes, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

**Sec. 27.111**        **Amendment and Repeal:** All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the village, the terms and provisions of this article shall govern.

**Sec. 27.112**        **Severability:** If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

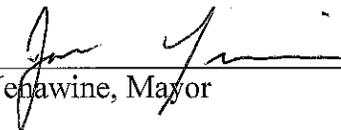
**Sec. 27.113**        **Effective Date:** This article shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

**Sec. 27.114**        **Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

**Sec. 27.115** **Penalty and Injunctive Relief:** Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Any person who violates this article is subject to suit for injunctive relief as well as prosecution to seek penalties for the violations.

**PASSED AND APPROVED** on this the 17<sup>th</sup> day of April 2007, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions of the Volente City Council.

**VILLAGE OF VOLENTE**

By:   
Jan Yenawine, Mayor

**ATTEST:**

  
Jennifer Zufelt, City Secretary