ORDINANCE NO.2004-0-35

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:

ARTICLE 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

Code of Ordinances Book	$100.00
Comprehensive Plan	$ 75.00
Zoning Ordinance Information Packet.....	$ 15.00
Rezoning applications.....	$250.00, plus $4 per property owner notification
Special Use Permit applications.....	$250.00, plus $4 per property owner notification
Variance applications from Zoning Ordinance.....	$250.00, plus $4 per property owner notification
Professional Service Consulting Fee.....	$250.00
Site development plan w/Concept Plan.....	$50.00 Administrative fee plus $5 per lot/commercial structure, plus$4 per property owner notification. PSE $250.00
Preliminary Site development Plan w/Detailed Site Plan.....	$100.00 Administrative fee plus $120.00 per lot /commercial structure, plus $4 per property owner notification. PSE $1000.00
Detailed Site Development Plan Only.....	$100.00 Administrative fee plus $120.00 per lot/commercial structure. PSE $1000.00
Comprehensive Plan Amendments.....	$50.00 Administrative fee. PSE $200.00
Annexation.....	$150.00

Sec. 27.002 SUBDIVISIONS

Subdivision Ordinance Book	$15.00
Concept Plan	$50.00 Administrative fee, plus $5 per lot/com. acre, plus $4 per property owner notification. PSE $500.00
Preliminary Plan	$100.00 Administrative fee, plus $50 per lot/com acre. PSE $250.00
Construction Plan Review.....	$100.00 Administrative fee, plus $50 per lot/com. acre PSE $350.00

Construction Plan Inspection..... 1.5 % of construction cost

Short Form .....$50.00 Administrative fee. PSE $200.00

Construction Re-inspection ..... $100.00 each re-inspection

Final Plat ..... $595.00 plus $20 per lot/com. Acre

Amended Plat.....$100.00 Administrative fee, PSE $350.00

Short Form Final Plat/Re-subdivision..... $100.00 Administrative fee, plus $4 per property owner notification (resubdivision only). PSE $250.00

Vacation of Final Plat..... . $100.00

Variance from Subdivision Regulations..... $250.00 per variance, plus $4 per property owner notification

Sec. 27.003 BUILDING PERMITS

Residential Permits:

Application Fee $240.00
Framing..... $ 0.20 per building square foot ($40 minimum)
Plumbing Permit.....$ 0.20 per building square foot ($40 minimum)
Electrical/Mechanical Permit .....$ 0.20 per building square foot ($40 minimum)
Flatwork (Patio, decks, porches, etc.).....$ 0.20 per square foot $40 Minimum)
Temporary Electric Loop ..... $ 60.00
Permanent Power (before Final) $ 60.00
Gas (Inspection/release) $ 60.00
Plan Review Only (Residential) ..... $ 78.00
Accessory/Storage Building .....$ 0.20 per building square foot ($40 minimum) plus electric and/or plumbing at $.20 per building square foot ($40 minimum)
Resubmittal Fee –Plan Review.....$ 78.00
Storage Building (under 100 sq.ft .....$ 60.00
With no plumbing or electrical)
Sheathing (Inspection Only).....$ 60.00

Temporary CO's $ 60.00
All Inspections and Re-inspections .....$ 60.00 (each)

Sec. 27.004 COMMERCIAL PERMITS

Application Fee $480.00
Frame ..... $ 0.30 per building square foot ($40 minimum)
Plumbing Permit ..... $ 0.20 per building square foot ($40 minimum)
Electrical/Mechanical Permit .....$ 0.20 per building square foot ($40 minimum)
Flatwork (includes pervious and impervious).....$ 0.30 per square foot ($40 minimum)
Construction Plan Review and Inspection .....$ 0.30 per building square foot($100 minimum)
Plan Review Only (Commercial) .....$ 78.00 per hour
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 .....$ 78.00 each inspection

Sec. 27.005 MISCELLANEOUS BUILDING PERMITS

Demolition Permit $100.00
Driveway/Culvert permit ..... $ 78.00
Swimming Pools/Hot tubs ..... $ 60.00 per inspection
Sprinkler System ..... $ 60.00
Sign Permit – with Plan Review $100.00
Manufactured Homes $250.00
(electrical, plumbing, mechanical, and flat work inspections)
Move Structure.....$ 55.00
Model Homes .....$ 60.00 ($50 renewal fee each year)
Right of Way Excavation .....$250.00 Administrative fee, plus $500.00 PSE

Sec. 27.006 OTHER

Easement (new and abandonment).....$100.00 Administrative fee, $200.00 PSE
Soliciting Permit ..... Per Peddler/Vendor Ordinance, To be determined

Wrecker Permit	Per towing and wrecker Ordinance, to be determined
Return Check Fee	$ 25.00
Copies	$ 0.55 first page plus $0.15 for each additional page

Sec. 27.007 MAPS

Village Limits/Zoning	
(large, color)	$ 25.00
(small, color)	$ 10.00
Floodplain/Address Map or Book	
(large – Village)	$ 25.00
Roadway Map	$ 10.00

Sec. 27.008 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 Service Estimate (PSE) - $500.00 (unless otherwise specified above) – Also, applicant will be responsible for any professional service amount greater then the estimated amount listed.

Division 2 GENERAL PROVISIONS

Sec. 27.009 **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. 27.010 **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. 27.011 **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. 27.012 **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. 27.013 **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. 27.014 **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 19 day of October 2004, by a vote of 5 ayes, 0 nays, and 0 abstentions of the Volente City Council.

VILLAGE OF VOLENTE

By: _____
Jan Yenawine, Mayor

ATTEST:

_____
Jennifer Zufelt, City Secretary