

**ORDINANCE NO. 2014-O-07**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, REPEALING ORDINANCE NO. 2007-O-77 AND ORDINANCE 2004-O-35 IN THEIR ENTIRETY AND ADOPTING FEES FOR APPLICATIONS, PERMITS AND OTHER APPROVALS BY THE VILLAGE OF VOLENTE; FEES FOR THE COPYING OF VILLAGE RECORDS, CODES AND ORDINGANCES; RECOVERY OF FEES INCURRED BY THE VILLAGE WITH OUTSIDE CONSULTANTS, INSPECTORS, AND ATTORNEYS; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES**

**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**

**WHEREAS, the Village Council finds that recapturing the following professional fees from applicants for permits and approvals are necessary and appropriate because they will be incurred in the reviewing, inspecting and approving applications filed with the Village;**

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT ORDINANCE NO. 2007-O-77 AND ORDINANCE NO 2004-O-35 ARE HEREBY REPEALED AND THE FOLLOWING PROVISIONS ARE HEREBY ENACTED:**

**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 Texas Local Government 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 the time of submittal unless otherwise noted.**

#### **Section 27.101 LAND USE**

**Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.102 SUBDIVISIONS**

**Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.103 SITE DEVELOPMENT**

**Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.104 SINGLE FAMILY RESIDENTIAL SITE**

**Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.105 BUILDING AND REMODELING PERMITS**

**Renaming of the Section for clarity  
Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.106 COMMERCIAL BUILDING PERMITS**

**Replaced in its entirety with the following:  
See Exhibit A**

#### **Section 27.107 MISCELLANEOUS BUILDING PERMITS**

**Replaced in its entirety with the following:  
See Exhibit A**

**Section 27.108 OTHER**

**Replaced in its entirety with the following:**

**See Exhibit A**

**Section 27.109 MAPS**

**Replaced in its entirety with the following:**

**See Exhibit A**

**Section 27.110 FIRE CONSULTATION AND INSPECTIONS**

**Replaced in its entirety with the following:**

Subdivision Plan

Site Plan

Residential and Commercial Building Plan

Certificate of Occupancy/Fire Final Initial and Follow Up

Certificate of Occupancy/ Fire Final Multiple Visits

Engineering Services/Inspectors Other than Plan Review

Annual Hazardous Material Permit

    Based on Quantity of Material

Mass Gathering > 2,500 people

Tent (Temporary Structure) Permit

Fire Works Display Engine Standby as required

Fire Works Display Inspector (s) as required

Pyrotechnics/Fireworks per event

Theatrical Performance

**See Exhibit A**

**Section 27.111 Consultations and Attorney Review**

**Replaced in its entirety with the following:**

Subdivision

Planned Development Districts

Site Plans

**See Exhibit A**

**Sec. 27.112 Charges for providing copies of public information**

**Replaced in its entirety with the following:**

The following charges for copies of public information are the allowed charges that have been adopted by the attorney general:

- (1) Standard paper copy: \$0.10 per page.
- (2) Nonstandard-size copy:
  - (A) Diskette: \$1.00.
  - (B) Digital video disk (DVD): \$3.00.

- (C) Other electronic media: Actual cost.
  - (D) VHS video cassette: \$2.50.
  - (E) Audio cassette: \$1.00.
  - (F) Oversize paper copy (e.g., 11 inches by 17 inches, green bar, blue bar, not including maps and photographic using specialty paper): \$0.50.
  - (G) Specialty paper (e.g., Mylar, blueprint, blue line, map, photographic): Actual cost.
- (3) Labor charge:
    - (A) For locating, compiling, and reproducing: \$15.00 per hour.
  - (4) Overhead charge: 20% of labor charge.
  - (5) Remote document retrieval charge: Actual cost.
  - (6) Computer resource charge:
    - (A) Mainframe: \$10.00 per CPU minute.
    - (B) Midsize: \$1.50 per CPU minute.
    - (C) Client/server system: \$2.20 per clock hour.
    - (D) PC or LAN: \$1.00 per clock hour.
  - (7) Miscellaneous supplies: Actual cost.
  - (8) Postage and shipping charge: Actual cost.
  - (9) Photographs: Actual cost as calculated in accordance with section 70.9(5).
  - (10) Maps: Actual cost as calculated in accordance with section 70.9(4).
  - (11) Other costs: Actual cost.
  - (12) Outsourced/contracted services: Actual cost for the copy. May not include development costs.
  - (13) No sales tax: No sales tax shall be applied to copies of public information.

See Exhibit A

**Section 27.113 Miscellaneous Provisions**  
**Replaced in its entirety with the following:**

1. Double Permit Fees will be charged for any work started before signing the permit or if the 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 re inspection fees of \$200.00 or more are owed.
6. Professional and Legal Services – All professional fees are subject to a 12.5 % administrative surcharge by the Village and the applicant shall be responsible for all professional service and administrative charges that exceed the estimated amount listed.
3. Applicants shall be responsible for all professional service charges including fire inspections and fees incurred from the Village’s consultants attending public meetings in association with an application or permit.
4. Fees charge by the Village’s attorney as a result of an application or permit shall be reimbursed to the Village by the applicant at one hundred percent (100 %) of the fees incurred..
5. In situations where the city administrator anticipates the city’s out-of-pocket expenses for professional services related to review of an application will exceed the amount recouped by the imposition of standard fees, the city shall require the applicant to pay a deposit. The amount of the deposit may range from \$1,000 - \$10,000, as deemed necessary by the city administrator. Examples of projects for which a deposit may be warranted include (but are not limited to) subdivision plats, rezoning requests, and planned development districts. The deposit shall solely be applied to payment of professional services by engineers, attorneys, surveyors, architects, landscape architects, etc., that are specifically engaged by the city to consult directly on the applicant’s proposed project. Payment of this deposit shall be an express condition of the city’s review of and determination upon the application. Payment of the deposit does not guarantee approval of the application. Nor does payment of the deposit create a client relationship between the applicant and the professional services provider. Deposit funds shall not be expended by the city on code enforcement activities. The deposit shall be replenished by the applicant upon depletion within 30 days of being notified by the city in writing. Unused account balances shall be reimbursed to the applicant or applied to future permit applications, at the applicant’s discretion.
7. Any unpaid or uncollected fees required herein shall be paid prior to city issuance of any final inspections or certificates of occupancy or acceptance of any subdivision improvements by the city.

8. All costs incurred by the city in lawfully abating or authorizing abatement of conditions which are a hazard to public safety, health or welfare for properties requesting permits or approvals for development shall be paid prior to issuance of future building permits or accepting applications for subdivision platting or other development approvals.

9. Unless otherwise provided for in this code of ordinances, fees shall be collected in the amounts provided for in the schedule contained in this section Exhibit A. Any reference to fees contained in any code adopted by reference in this code or contained in any chapter of this code shall be superseded by the fees set forth in this section and on Exhibit "A". All fees provided for in Exhibit A shall be non-refundable.

2. **Construction:** The terms and provisions of this Ordinance 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 the Lower Colorado River Authority Highland Lakes Ordinance and the Highland Lakes Ordinance Technical Manual* 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.

3. **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.

4. **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.

5. **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*.

6. **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*.

PASSED AND APPROVED on the \_\_\_\_\_ day of June, 2014.

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FREDERICK GRABER, MAYOR OF THE  
VILLAGE OF VOLENTE

ATTEST:

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JOAN JACKSON, CITY SECRETARY