

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, APPENDIX D, FEE SCHEDULE TO ALIGN WITH HB 852 SIGNED BY THE GOVERNOR DISALLOWING CITIES FROM CHARGING RESIDENTIAL PERMIT FEES BASED ON VALUATION OF CONSTRUCTION OR OF THE DWELLING; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of New Braunfels, Texas, provides as part of its municipal business to the public, development application processes and services pursuant to federal law, state statute and local ordinance; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas, has established reasonable administrative fees in order to recoup the cost of conducting such processes and delivering such services on the public's behalf without unduly relying on taxes; and

**WHEREAS**, the City of New Braunfels seeks to provide efficient customer service throughout the development process; and

**WHEREAS**, the City of New Braunfels finds it necessary to establish processes and procedures that are fiscally prudent and responsible, including the costs associated with employee time; and

**WHEREAS**, the State of Texas enacted an amendment to Section 214.907 of the Texas Local Government Code through HB 852 in the 86<sup>th</sup> Regular Legislative Session which the Governor signed into law, and such amendment disallows cities from charging residential permit fees based on valuation of the dwelling or cost of construction or improving the residential dwelling; and

**WHEREAS**, the International Code Council (ICC) has established universal, national-based tables to assist in determining appropriate bases of fees; and

**WHEREAS**, the City of New Braunfels has compared fees against corresponding costs and has researched and compared fees across multiple Texas municipalities; and

**WHEREAS**, the City of New Braunfels has identified residential permit fees based on valuation that must be amended to comply with state law and finds that such amended fees are reasonable; **now therefore**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

**THAT** the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2**

**THAT** Appendix D “Fee Schedule” of the New Braunfels Code of Ordinances, is hereby amended as shown below:

**Appendix D: Fee Schedule**

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Sec. B. - Additional fees specific to building permitting.

- (a) Building permit fees for work other than new commercial construction and additions, shall be based on the schedules below: ~~valuation of the project, calculated using the following table rounded to the nearest thousand identified as Building Permit Fee Schedule A:~~

**Building Permit Fee Schedule A Residential**

<b>Total Valuation</b>	<b>Permit Fee</b>
<del>\$0.00—\$50,000.00</del>	<del>\$20.00 plus \$5.00 per \$1,000.00 or fraction there of</del>
<del>\$50,001.00—\$100,000.00</del>	<del>\$265.00 plus \$4.00 per \$1,000.00 or fraction there of</del>
<del>\$100,001.00—\$500,000.00</del>	<del>\$465.00 plus \$3.00 per \$1,000.00 or fraction there of</del>

<u>\$500,001.00 and above</u>	<u>\$1,665.00 plus \$2.00 per \$1,000.00 or fraction there of</u>
<b><u>Type</u></b>	<b><u>Permit Fee</u></b>
<u>New Construction and Addition</u>	<u>\$.50 per square foot</u>
<u>Remodel</u>	<u>\$.25 per square foot</u>
<u>Fence</u>	<u>\$50</u>
<u>Shed, Storage Building, Car Port</u>	<u>Built on Site/\$75, Pre-Built/\$50</u>
<u>Pool</u>	<u>Above Ground/\$100, In Ground/\$200</u>
<u>Foundation</u>	<u>\$150</u>
<u>Foundation Repair</u>	<u>\$75</u>
<u>Flat Work, Driveway, Patio, Sidewalk, Deck, Porch, Stairs</u>	<u>\$.25 per square foot</u>
<u>Roofing</u>	<u>\$75</u>
<u>Siding, Brick, Exterior Veneer</u>	<u>\$100</u>
<u>Mobile/Manufactured Home Placement (Does not include trades)</u>	<u>\$50</u>
<u>Misc. Structures (Gazebos, Pergolas, Archways, Patio Covers)</u>	<u>\$35</u>
<u>Retaining Walls (Over 24 inches)</u>	<u>\$.50 per linear foot</u>
<u>Misc. Residential</u>	<u>\$25</u>

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### **SECTION 3**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance which shall remain in full force and effect.

### **SECTION 4**

**THAT**, all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect. Further, the City of New Braunfels inspection fees are not changed as those fees are not premised upon the value of the dwelling or the cost of construction or improving the dwelling.

### **SECTION 5**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

### **SECTION 6**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

### **SECTION 7**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First Reading this the 10<sup>th</sup> day of June 2019.

**PASSED AND APPROVED:** Second and Final Reading this the 24<sup>th</sup> day of June 2019.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**