

ORDINANCE NO.2010-03-09-001

(Amendment of 2005-07-26-002)

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS PROVIDING FOR BUILDING, MOVING, DEMOLITION, SWIMMING POOL, AND OTHER RELATED PERMITS; ESTABLISHING FEES AND CHARGES FOR BUILDING PERMITS; ESTABLISHING FEES AND CHARGES FOR PLATTING OF SUBDIVISIONS; PROVIDING A PENALTY AND A CULPABLE MENTAL STATE; AND PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health and safety of the citizens require the City of Kempner (the “City”) to establish requirements for the issuance of certain permits and approvals;

Whereas, it is appropriate for the costs and expenses, incurred by the City with respect to such permits to be paid by the persons and entities requiring such permits and services;

Whereas, fees for services are established in order to recover the cost of labor, fringes, materials, indirect costs and the related costs of filing and record keeping required by law;

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

Section 1. Common Name and Purpose. This ordinance shall be generally known and referred to as the “Administrative Fee Ordinance” of the City of Kempner. The general purpose of this ordinance is to provide a means by which the various permit and review fees, rates and charges, and general administrative fees of the City can be established.

Section 2. Building and Related Permit Fees. No building, structure, or swimming pool, or part thereof shall be hereafter constructed, erected, altered, placed, or demolished within the City of Kempner unless all appropriate permits set forth in this ordinance shall have first been issued for such work. No building or structure or part thereof, except for a manufactured home, shall be moved onto or over the City streets unless a permit shall have first been issued for such move. As used in this section, manufactured home shall have the same meaning as set forth in Section 623.091, Tex. Transportation Code, as amended.

The following fees and charges are established and shall be in addition to any fees otherwise required pursuant to this section:

A. General Building Permits:

<u>Building Size in Square Feet</u>	<u>Fee Schedule</u>
100 or less	\$ 15.00
101 to 200	25.00
201 to 500	35.00
501 to 900	45.00
900 to 1,200	60.00
1,201 to 1,700	90.00
1,701 to 2,000	100.00
2,001 to 2,500	125.00
2,501 to 5,000	150.00
5,001 to 7,500	200.00
7,501 to 10,000	250.00
10,000 & Over	300.00

B. Moving of Structure. No fee shall be charged for the moving of a portable building or structure that is eight feet (8') or less in height and is not larger than eighty (80) square feet.

The permit fee for the moving of any building or structure that is more than eight feet (8') in height, or that exceeds eighty (80) square feet, shall be \$70.00.

C. Demolition Permits. The permit fee for the demolition of any building or structure shall be \$30.00.

D. Swimming Pools. The fee for construction of a swimming pool shall be \$80.00 with the exception for pools designed to be assembled and disassembled by the user.

E. Certain Structures with Roof. The permit fee for the construction of patios, carports, storage sheds and similar structures under roof shall be \$25.00.

F. Double Permit Fees. If work, for which a permit is required, pursuant to this section, is initiated, started or preceded without the permit first being obtained, the fees and charges specified in this section shall be doubled.

Section 3. Subdivision Concept Plans & Plats. The following fees and charges are established and shall be collected for the subdivision of land within the City or its extraterritorial jurisdiction:

- A. Preliminary Subdivision Plat – Plan. A fee in the amount of \$100.00 plus \$2.00 per lot shall be paid for each preliminary subdivision plat filed for review by the City. Such fee shall be in addition to the Engineer Review Fee as defined and provided hereinafter in Section 3C, and shall be paid, together with the estimated amount of the Engineer Review Fee, when the plat is filed.
- B. Final Subdivision Plat – Plan. A fee in the amount of \$100.00 plus \$2.00 per lot shall be paid for each final subdivision plat filed for review by the City. Such fee shall be in addition to the Engineer Review Fee as defined and provided hereinafter in Section 3C, and shall be paid, together with the estimated amount of the Engineer Review Fee, when the plat is filed.
- C. Engineer Review Fee. Every person or entity filing a preliminary subdivision plat-plan or a final subdivision plat – plan, shall pay to the City an amount equal to all engineering fees and other professional fees and charges billed to the City for and with respect to such plat-plan, plus an amount equal to ten percent (10%) of the total of such fees billed to the City.
- D. Plat Vacation. A fee in the amount of \$25.00 plus all estimated County Recording Fees shall be charged for each plat-plan vacation request. Such fee shall be in addition to any Engineer Review Fee, if any, that may be applicable and charged pursuant to Section 3C.
- E. Subdivision Replat. A fee in the amount of \$50.00 plus \$5.00 per lot shall be paid for each replat or resubdivision of a plat, or part thereof, filed for review by the City. Such fee shall be in addition to the Engineer Review Fee provided herein above in Section 3C and shall be paid, together with the then estimated amount of the Engineer Review Fee, when such request is filed.

Section 4. Permit Procedures – Flood Plain. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required along with payment of the permit application fee of \$125.00. See Ordinance No. 2002-01-22-001 for complete information.

Section 5. Penalty: Culpable Mental State.

- A. Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City 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.

- B. The Mayor, Chief of Police, or designee may enforce this ordinance by appropriate administrative action, including but not limited to revocation of building permits and the issuance of stop work orders. It shall be unlawful for any person to continue construction or demolition of a structure for which a stop work order has been issued.
- C. Unless otherwise specifically set forth in state law as adopted, allegations and evidence of culpable mental state are not required for proof of an offense under this ordinance.

Section 6. Savings Clause. All rights and remedies of the City of Kempner are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction and all other ordinances affected hereby, including permit issuance, within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances and sections of the City Code of Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Gov't. Code.

Section 10. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED ON THIS THE 9TH day of MARCH,
2010.**

City of Kempner, Texas

Attest:

Gene Isenhour, Mayor

Frances Spinney, City Secretary

