**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINEHURST, TEXAS AMENDING THE PINEHURST CODE OF ORDINANCES CHAPTER 18, ARTICLE II SECTION 18-43 “PERMIT FEES”; AMENDING APPENDIX B; ESTABLISHING AN EFFECTIVE DATE; ESTABLISHING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND OTHER MATTERS**

**WHEREAS**, the Eighty-Sixth Session of the Texas Legislature adopted and the Governor signed legislation (House Bill 852) to prohibit residential building fees from being calculated on a valuation basis; and

**WHEREAS,** some current residential building permit fees are calculated on a valuation basis; and

**WHEREAS,** the City of Pinehurst is required by Texas law to amend the way residential building permit fees are calculated that are in violation of State law; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEHURST:**

**Section 1.** That Article II, Section 18-43, Appendix B “Recommended Schedule of Permit Fees” is hereby amended to read as follows:

**Sec. 18-43 - Building Permit Fees**

All buildings, structures, or alterations requiring a building permit, a fee for each building permit shall be paid as required at the time of filing the application as follows

(1) Permit fees for non-residential buildings

|  |  |
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| **Total Valuation**  | **Fee** |
| $1,000.00 and less | No fee unless inspection is required, in which case a $20.00 fee for each inspection shall be charged. |
| $1,001.00 to $50,000.00  | $20.00 for the first $1,000.00 plus $5.75 for each additional thousand or fraction thereof, to and including $50,000.00. |
| $50,001.00 to $100,000.00  | $301.75 for the first $50,000.00 plus $4.75 for each additional thousand or fraction thereof. |
| $100,000.01.00 to $500,000.00 | $539.25 for the first $100,000.00 plus $3.75 for each additional thousand or fraction thereof, to and including $500,000.00 |
| $500,000.00 and up | $2,035.50 for the first $500,000.00 plus $2.75 for each additional thousand or fraction thereof. |

(2) Permit fees for residential buildings.

 (A) The permit fee for residential buildings shall be forty cents ($.40) per square foot of living area and twenty cents ($.20) per square foot for other areas such as, but not restricted to, garages, carports and covered patios.

 (B) The permit fee for residential remodeling projects shall be thirty-five cents ($.35) per square foot of the area being remodeled with a minimum fee of thirty-five dollars ($35.00).

 (C) The permit fee for a residential addition project shall be forty cents ($.40) per square foot of the add-on area.

 (D) The permit fee for residential accessory storage buildings shall be twenty-five cents ($.25) per square foot of the accessory storage building with a minimum permit fee of twenty-five dollars ($25.00).

 (E) The permit fee for construction of a residential garage shall be twenty-five cents ($.25) per square foot of the garage with a minimum fee of twenty-five dollars ($25.00).

 (F) The permit fee for the addition of siding to a residential structure shall be thirty-five dollars ($35.00).

 (G) The permit fee for a roofing permit shall be thirty-five dollars ($35.00).

 (H) The permit fee for replacement or installation of residential windows shall be thirty-five dollars ($35.00).

 (I) The permit fee for a fence permit shall be thirty-five dollars ($35.00).

 (J) The permit fee for a residential swimming pool permit shall be two hundred and fifty dollars ($250.00).

 (K) The permit fee for construction of a residential carport shall be twenty-five dollars ($25.00).

 (L) The permit fee for installation of a residential irrigation system shall be thirty dollars ($30.00).

 (M) The permit fee for a residential concrete permit shall be twenty-five dollars ($25.00).

 (N) On all residential mechanical systems requiring a mechanical permit, a fee for each mechanical permit shall be paid as required at the time of filing the application, in accordance with the following fee schedule:

For new installation or complete change out of an existing system $60.00

 For partial replacement (evaporator, condenser, duct, etc.) of an existing system $35.00

 (O) Residential gas and/or plumbing permits shall be thirty-five dollars ($35.00).

 (P) Residential electrical permits for:

(1) Transfer of service shall be twenty dollars ($20.00)

(2) Service panel change out and all other remodeling, repairs, etc. shall be forty-five dollars ($45.00).

(3) Moving fee. For the moving of any building or structure, the fee shall be fifty-five dollars ($55.00).

(4) Demolition Fee. For the demolition of any building or structure, the fee shall be fifty-five dollars ($55.00).

(5) Certificate of Occupancy

 (A) On buildings requiring a building permit, there shall be no charge for the Certificate of Occupancy permit.

 (B) On existing buildings, when there is a change of occupants or change of occupancy, there will be a twenty dollar ($20.00) charge for the Certificate of Occupancy permit.

(6) Fees for City Departments. The various departments of the city and buildings of the municipal government thereof shall be subject to the provisions of this code insofar as the same may be applicable, but shall be exempt from the requirement of fees.

(7) Method of Valuation for other than residential buildings or as otherwise proscribed by State law.

 (A) The valuation of new building construction, when appropriate, will hereby be determined by using the most current schedule of Building Valuation Data as determined by the International Code Council.

 (B) The average cost figures found in the schedule of the Building Valuation Data shall be used in the following manner when determining the valuation of new construction:

Building Valuation = Average cost per square foot, multiplied by the square footage of occupiable space.

 (C) The building valuation of all construction, other than new construction or otherwise prescribed by State law, shall be based on total cost of labor and materials. Where an owner is providing his own, labor, the building valuation shall be calculated by doubling the material cost.

 (D) For the construction of new carports, garages and shed, building valuation shall be twenty-five dollars ($25.00) per square foot.

(8) Plan Checking Fee. When the valuation of proposed commercial, multi-family residential, institutional or industrial construction exceed $100,000.00 and a plan is required to be submitted by Section 106 of the International Building Code, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth above.

(9) Placement Permit. A placement permit shall be required for each Manufactured Home or Modular Home placed on property within the City of Pinehurst. The fee for a Manufactured Home placement permit shall be fifty dollars ($55.00). The fee for a Modular Home/House Relocation placement permit shall be one hundred dollars ($100.00).

(10) Penalties. Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees, herein specified, shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.

(11) Re-inspection Fees. When an inspection has been rejected because it does not meet code, a re-inspection fee of $20.00 will be charged to the owner or contractor requesting the inspection.

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**Sec. 18-44 Effective Date**

This ordinance shall be in full force and effect from and after the date of its passage and publication.

**Sec. 18-45 Severability**

**If any question, subsection, sentence, clause or phrase of this ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portion of this ordinance and to such end the various portions and provisions of this ordinance are declared to be severable.**

**PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pinehurst, Texas this \_\_\_\_day of July, 2019.**

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Joseph L. Runnels, Mayor

ATTEST:

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Debbie Cormier, City Secretary

APPROVED:

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Tommy Gunn, City Attorney