

**CITY OF UHLAND**  
**ORDINANCE No. - 92**

**FEE SCHEDULE ORDINANCE**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS  
ENACTING AND ESTABLISHING A SCHEDULE OF FEES;  
PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER  
CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING FOR PROPER NOTICE AND MEETING.**

WHEREAS, the City Council of the City of Uhlend ("City Council") seeks to recoup certain administrative, professional, and infrastructure costs related to providing certain services and approvals; and

WHEREAS, the City Council finds that the fees listed in the attached ordinance are adequate compensation for the services and authorizations provided;

WHEREAS, the City Council finds the fees listed in the attached ordinance are reasonable and necessary for the management of the municipal budget; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Uhlend to adopt an ordinance setting out certain fees.

**NOW THEREFORE, BE IT ORDAINED by City Council of the City of Uhlend**

**I. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**II. ENACTMENT**

The "Fee Schedule Ordinance" is hereby adopted by the City Council to read in accordance with Attachment "A," which is attached hereto and incorporated herein for all intents and purposes.

**III. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.



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**IV. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**V. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**VI. PROPER NOTICE & MEETING**


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Section 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 4 day of March 2009, by a vote of 5 (ayes) to 0 (nays) to    (abstentions) of the City Council of Uhlend, Texas.

CITY OF UHLAND:

  
Curtis Wells, Mayor Pro Tem

ATTEST:

By:   
Karen Gallaher, City Secretary

APPROVED AS TO FORM:

Cary Bovey, City Attorney



**Attachment "A"**

**FEE SCHEDULE ORDINANCE**

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## **FEE SCHEDULE ORDINANCE**

### **SECTION 1. ENACTMENT PROVISIONS**

#### 1.1. Popular Name

This Chapter shall be commonly cited as the "Fee Schedule Ordinance."

#### 1.2. Purpose

This Chapter establishes the fees the City is authorized to collect for providing certain services or processing certain requests for approval. Certain fees shall be imposed by other ordinances or state law. The absence of any certain fee from this Ordinance shall not be interpreted to preclude assessment and collection by the City.

### **SECTION 2. SUBDIVISION**

- 2.1. Preliminary Plat Filing Fee- \$500.00 per plat plus \$50.00 per lot.
- 2.2. Final Plat Filing Fee- \$250.00 per plat plus \$50.00 per lot.
- 2.3. Vacation of Plat Fee- \$250.00 per plat.
- 2.4. Re-plat (Re-subdivision) Fee- \$250.00 per plat plus \$50.00 per lot. Any time a vacation and re-plat occur at the same time, only the replat fee will be collected.
- 2.5. Plat Amendment Fee- \$250.00 per plat.
- 2.6. Waiver/Variance Request Fee- \$500.00 per variance.
- 2.7. Extension of Plat Approval Request Fee- \$100.00.
- 2.8. Reimbursement of Consultant Costs for Plat/Construction Plan Application  
The applicant is required to pay all associated costs prior to filing the plat for recordation with the City Manager, regardless of City Council approval. Any project that starts construction without a permit is subject to penalty as described by the Subdivision Ordinance. Consultant and associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors, and others, as required. Costs will be billed at cost plus ten percent (10%) to cover the City's additional administrative costs.
- 2.9. Construction Plan Approval  
Fees related to construction plan review are included in the final plat filing fees and required consultant costs.



- 2.10. Construction Work Performed Without Permit Approval  
Construction work done before the approval of a permit shall require double the normal final plat filing fee amount.
- 2.11. Recording Fee- \$25.00 per lot.

### SECTION 3. ZONING

- 3.1. Zoning Classification Application Fee- \$300.00
- 3.2. Conditional Use Permit Application Fee- \$300.00
- 3.3. Zoning Classification Change Request Fee- \$300.00 per lot, tract, or parcel.
- 3.4. Planned Development District Request Fee- \$1,000 per district, plus \$100.00 per acre.
- 3.5. General Site Plan- \$300.00
- 3.6. Detailed Site Plan- \$300.00
- 3.7. Waiver/Variance Request Fee- \$300.00
- 3.8. Reimbursement of Consultant Costs for Zoning Application

Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors, and others, as required. Required consultant costs will be billed at cost plus ten percent (10%) to cover the City's additional administrative costs.

### SECTION 4. BUILDING CODE

- 4.1. Minimum Standards.  
All building inspections and inspections relating to construction under the terms of this Ordinance and the City Codes hereby adopted shall be performed by such personnel as may be employed by the City to perform same, whether by a person or persons employed by the City or by independent contractor. Such person shall have the authority of the building official or building inspector under the Codes adopted herein and under the provisions of this Ordinance.
- 4.2. Permit Application & Filing Fees.
- (a) All permit applications shall be made upon forms provided by the building official.
- (b) Once a permit application has been determined by the building official to be complete, the building official will inform the applicant of the amount of the permit fee. An application will not be considered to be filed with the building official until such verification and until



the full amount of the permit fee is paid. A permit fee may be wholly or partially waived in a written development incentive agreement with the City.

- (c) The building official may require that a plan review fee be paid by a permit applicant at the time an application is submitted. The payment of the plan review fee will not be deemed to constitute the filing of the application, and the application will not be considered to be filed with the building official unless and until the application is verified to be complete and the full amount of the permit fee is paid. The plan review fee shall be sixty-five per cent (65%) of the building permit fee as shown in Table 1-A below. The plan review fees specified in this Section are separate fees from the permit fees and are in addition to the permit fees.
- (d) If the scope of work is increased during the construction period relative to the work authorized to be done under the permit, the permit holder shall file an amended permit application and pay additional fees that are assessed based on the increase in scope prior to beginning any work not covered by the original permit.
- (e) Permit fees – The fee for each permit shall be as set forth in Table 1-A and Table 1-B below.

4.3. Permit Fees.

Plan Review Fees – When submittal documents are required, a plan review fee, in accordance with Table 1-A and 1-B, shall be paid at the time of submitting the submittal documents for plan review.

A handwritten signature in the bottom right corner of the page, consisting of a stylized initial 'B' and the letters 'CW' below it.

Table 1-A Single Family

<b>Single Family Residential construction plan review and inspection*,</b>	
Valuation	Fee
\$1.00 to 10000.00	\$96.15
\$10,001.00° to \$25,000.00	\$135.94 for the first \$10,000 plus \$10.50 for each additional \$1000, or fraction thereof.
\$25,001.00 to \$50,000.00	\$293.44 for the first \$25,000 plus \$7.58 for each Additional \$1000. 00 , or fraction thereof.
\$50,001.°°to \$ 1 00,000.11	\$482.81 for the first \$50,000 plus \$5.25 for each additional \$1000 , or fraction thereof.
\$100,001to \$500,000.	\$745.31 for the first \$100,000.00 plus \$4.20 for each additional \$1000.00, or fraction thereof.
\$500,001.00 to \$1,000,000.00	\$2425.31 for the first \$500,000.00 plus \$3.56 for each additional \$1000.00, or fraction thereof.
\$1,000,001.00 and up	\$4206.56 for the first \$1,000,000 plus \$2.36 For each additional \$1000, or fraction thereof.
<b>Inspection fees, as calculated from the schedule above are payable upon issuance of a construction permit. Re-inspection of failed inspections is \$100 per inspection. Plan review and inspection for manufactured home placement - \$187.50 per permit</b>	

\* For single family construction, there is no separate plan review fee; however, a deposit is required to cover review costs in case a project is discontinued prior to payment of inspection fees. When plans are submitted for review, a \$100 deposit, refundable on payment of inspection fees, is required.

Table 1-B Commercial and Multi-Family

<b>Commercial and Multi-Family construction plan review:</b>	
<b>Plan review fees are separate from inspection fees and are 65% of the inspection fees as calculated from the schedule immediately below, payable on submission of plans for review.</b>	
<b>Commercial and Multi-Family construction inspection:</b>	
Valuation	Fee
\$1 to 10000	\$80
\$10,001 to \$25,000	\$81.25 for the first \$10,000 plus \$14.00 for each additional \$1000, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each Additional \$1000. 00 to and including 50,000.
\$50,001 to \$ 100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1000 to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1000.00 to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1000.00 to and including \$1000,000.
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 For each additional \$1000 or fraction thereof.
<b>Inspection fees, as calculated from the schedule above are payable upon issuance of a construction permit. Re-inspection of failed inspections is \$100 per inspection.</b>	
<b>Plan review and inspection for manufactured home placement - \$187.50 per permit</b>	



4.4. Building Permit Valuation.

The building permit fee charged to build a new building, to add on to an existing building, to remodel or to alter an existing building shall be based on the declared valuation of the proposed work. For one- and two-family dwellings only, the value of sixty dollars (\$60.00) per square foot of total area under roof shall be used to determine the valuation for the purpose of computing permit fees in accordance with Table 1-A. The Building Official may require the applicant to verify the declared value. The building permit fee shall be calculated based upon figures from Table 1-A.

(a) One permit will be issued for the entire construction to the general or prime contractor.

However, it shall be necessary for the prime contractor to provide proof that all subcontractors and journeymen on the job have appropriate licenses to perform the work that they are to perform including, without limitation, plumbing, electrical and HVAC. No permit shall be issued to a general contractor absent proof of licensed trades as indicated.

4.5. Other Building Permit Fees

Save and except as provided in 4.2.(2), it is the intent of this Ordinance to establish an appropriate fee for each permit and inspection required to be made pursuant to the City Codes. With that purpose, the following permit fees and charges shall be charged for and with respect to the respective listed permits.

(1) Moving of Structures.

(a) Except as provided in the following paragraph (b), a permit fee shall be charged for moving buildings, or structures, including mobile manufactured homes moved by anyone other than a registered retailer or installer, or out of the City. Such fee shall be eighty-five dollars (\$85.00), plus an escort fee would be applicable. No permit or inspection fee shall be charged or required for the moving of a mobile or manufactured home into the City for the purpose of placing the same on a sales or dealership lot operated by a registered retailer, or for installation within the City by a registered retailer or installer.

(b) If, based upon location moved from or to, the streets to be used in the move, size of the structure, and related facts, an escort is deemed necessary for the protection of the public health and safety, except as provided in (1) above, an additional fee shall be collected in advance for such escort to be provided by the Sheriff's Department. Such escort fee shall be an amount equal to 1.5 times the hourly cost for both the officer (including wages and benefits) and the patrol car, times the estimated number of hours or fractions thereof required for the escort within the city limits.

(c) No fee shall be charged for the moving of a portable building or structure that is eight feet (8) or less in height and that is not larger than sixty-four (64) square feet.

(2) Demolition Permits.

A permit fee shall be charged for the demolition of any building, structure, or part thereof. Such demolition fee shall be fifty dollars (\$50.00), plus thirty dollars (\$30.00) for each required inspection.

(3) Manufactured Home.

A two hundred fifty dollar (\$250.00) permit fee plus forty dollars (\$40.00) per required inspection shall be charged for each mobile home as defined in the Code, or manufactured home set up within the City.

(4) Swimming Pools and Spas.

The permit fee for construction or installation of a swimming pool, spa or hot tub shall be eighty dollars (\$80.00) plus forty dollars (\$40.00) for each required inspection. Above ground pools, spas and hot tubs that do not require a permanent foundation are exempt.

(4) Certain Structures with Roof

The permit fee for the construction of porches, patios, decks, carports, storage sheds and similar structures under a roof, and not permitted under another subdivision of this Section, shall be thirty five dollars (\$35.00).

(5) Remodeling and Alterations.

Structural alterations, repairs, and remodeling on all structures, buildings and residences including shell buildings and mobile or manufactured homes, but excluding projects costing five hundred dollars (\$500.00) or less and for which a permit is not otherwise required, shall require a minimum permit fee of twenty-five dollars (\$25.00) plus the applicable inspection fees, of forty dollars (\$40.00) for single family residential and forty-five dollars (\$45.00) for multi-family and commercial, per required inspection. In the event that the total square footage to be altered, repaired or remodeled exceeds 200 square feet, the base permit fee shall be determined pursuant to 4.3. or 4.4. as applicable.

(6) Driveways.

One hundred dollars (\$100.00), inclusive of one inspection.

(7) Certificate of Occupancy Fee Abandon Structure.

If a structure has been vacant or unused for one year, an inspection will be performed to determine the requirements to bring the building or other structure into compliance with current city ordinances and health and safety codes for the intended occupancy. The permit fee for single family dwelling occupancy shall be fifty dollars (\$50.00). The fee for multi-family, commercial or industrial structures shall be fifty dollars (\$50.00). The base fees shall be in addition to the fifty dollar (\$50.00) per hour of required inspection time with a one-hour minimum.

(9) Certificate of Occupancy.

The permit fee for single family dwelling occupancy shall be five dollars (\$50.00). The fee for multi-family, commercial or industrial structures shall be fifteen dollars (\$150.00). If an inspection is required the fee shall be an additional fifty dollars (\$50.00) per hour of required inspection time with a one-hour minimum.

4.6. 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.

4.7. Variances

Any requests for variances from the technical codes shall be charged the same base building permit fee applicable to the type of request made plus a variance request fee of fifty dollars (\$50.00) per variance request.

4.8. Time for Issuance of Permit

(a) Not later than the 45<sup>th</sup> day after the date an application for a permit is submitted under the terms of this Ordinance, the City must:

- (1) Grant or deny the permit;
- (2) Provide written notice to the applicant stating the reasons why the City has been able to grant or deny the permit application; or
- (3) Reach a written agreement with the applicant providing for a deadline for granting or denying the permit.

(b) For a permit application for which notice is provided under Subsection (a)(2), the City must grant or deny the permit not later than the 30<sup>th</sup> day after the date the notice is received.

(c) If the City fails to grant or deny a permit application in the time required by Subsection (b) or by an agreement under Subsection (a)(3), the City:

- (1) May not collect any permit fees associated with the application; and
- (2) Shall refund to the applicant any permit fees associated with the application that have been collected.

(d) The City shall act through the building official or the board of adjustments and appeals as to any matter for which an appeal has been taken.

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**Section 4. Early Voting.**

**a. Early voting by personal appearance.** Early voting by personal appearance shall commence April 27, 2009 and shall continue until May 9, 2009 at the location and times designated in the Agreement. On at least two days during the early voting period, the location for early voting shall be open for at least twelve (12) hours.

**b. Early voting by mail.** City Secretary for the City of Umland is hereby designated as Early Voting Clerk for the general election. The following are designated as deputy early voting clerks: City of Umland, Joyce Cowan, and Hays County Elections Administrator. Applications for early voting by mail may be delivered to the Early Voting Clerk at the following address: Early Voting Clerk, 15 N. Old Spanish Trail, Umland Texas 78640 not earlier than March 10, 2009 and not later than close of business on May 1, 2009. Early voting by ballots shall be mailed to the Early Voting Clerk at the same address.

**c. Early voting by Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, appointed herein, shall serve as the presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

**Section 5. Appointment of Election Judge and Alternate Election Judge.** The Presiding Election Judge and Alternate Presiding Judge shall be appointed by the Hays County Elections Administrator as authorized by Chapter 271 of the Code.

**Section 6. Method of Voting.** The Hart InterCivic eSlate (Direct Recording Electronic Voting System) shall be used for voting by personal appearance on Election Day and the Hart InterCivic eSlate (Direct Recording Electronic Voting System) for early voting by personal appearance. The City Council hereby adopts The Hart InterCivic eSlate (Direct Recording Electronic Voting System) DRE for early voting and Election Day. The voting systems are being provided by Hays County under the terms of the agreement. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Texas Election Code.

**Section 7. Governing Law and Qualified Voters.** The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 8. Publication and Posting of Notice of Election.** Notice of the election shall be given as required by the Texas Election Code.

**Section 9. Submissions to the United States Justice Department.** The City Secretary of the City of Umland or her designee is authorized to make such submissions as are necessary to

the United States Justice Department to seek pre-clearance for any changes in voting practices. The City Secretary shall prepare a submission, on behalf of the City of Uhland, to the United States Department of Justice for preclearance of the election procedures and polling places, pursuant to the Voting Rights Act of 1965, as amended.

**Section 10. Delivery of Returns.** The counting station manager or his representative shall deliver timely cumulative reports of the election results as tabulated. The manager shall be responsible for releasing unofficial cumulative totals from the election to the City of Uhland, candidates, press, and general public by distribution of hard copies at the central counting station.

**Section 11. Necessary Actions.** The Mayor and the City Secretary of the City of Uhland, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

**Section 12. Effective Date.** This Ordinance shall be effective upon its adoption.


PASSED AND APPROVED this 21 day of January, 2009.

CITY OF UHLAND



Curtis Wells, Mayor Pro Tem

ATTEST:

  
Karen Gallaher, City Secretary

APPROVED AS TO FORM:

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Cary Bovey, City Attorney