

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS AMENDING CHAPTER 26, "BUILDING AND BUILDING REGULATIONS," OF THE CITY OF CLEVELAND CODE OF ORDINANCES BY AMENDING THE FEE SCHEDULE FOR BUILDING PERMITS, IN PART TO COMPLY WITH HB 852; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the 86th Texas Legislature adopted House Bill 852 and the Governor signed the legislation on May 21, 2019 with an immediate effective date; and

WHEREAS, the legislation provides in part that "[i]n determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a municipality may not consider: (1) the value of the dwelling; or (2) the cost of constructing or improving the dwelling"; and

WHEREAS, the City's fee schedule applicable to construction permits and inspections is being updated to comply with changes required by House Bill 852, and to better align the fees charged for all permits with the associated costs of review, inspection, permitting and regulation; and

WHEREAS, the City Council finds that the amended fees are based on the approximate amount of time reasonably necessary to cover the costs of regulation for each category or sub-category of permit, to the extent such data is readily available;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS

Section 1. Section 26-3, "Permit fees," of Chapter 26, "Buildings and Building Regulations," of the City of Cleveland Code of Ordinances is amended to read as follows.

“Sec. 26-3. - Permit fees.

- (a) *Building permits.* Building permits shall be issued by the building official and the fees shall be as follows:

Effective 6/19/19	
Preliminary site plan review (if requested without completed permit application)	\$40.00
Issuing fee for any building/sign permit	\$75.00
In addition, the following fees will be charged for commercial construction and remodels:	
Up to \$1,000.00	\$50.00
\$1,001.00 to \$50,000.00	\$50.00 plus \$5.25 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$307.25 for the first \$50,001.00 plus \$4.50 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$532.25 for the first \$100,001.00 plus \$3.25 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$2,364.50 for the first \$500,001.00 plus \$2.75 for each additional thousand or fraction thereof.
Commercial - Demolition permit	\$110.00
Commercial Plan Checking Fee	equal to 50 percent of the building permit fee will be charged for plan checking of commercial construction. The building official may cause the blueprints and drawings to be reviewed by a third party at the applicant's expense.
Commercial Certificate of occupancy inspection	\$75.00
In addition, the following fees will be charged for residential construction and remodels (for one- and two-family dwellings only):	
Residential New Construction	\$0.55 per square foot
Residential Remodel	<p>a) \$250 for remodels involving less than 50% of the total square footage of the house, provided no walls are being added or removed</p> <p>b) \$0.55 per square foot for remodels adding square footage; or</p> <p>c) \$500 for all other remodels.</p>
Residential Plan Review Fee	\$285
Residential Accessory Buildings – new construction or remodel	\$100

Residential – Plumbing Permit	\$130 for remodels involving less than 50% of the total square footage of the house, \$200 for all other remodels and new construction
Residential – Electrical Permit	\$130
Residential – Mechanical Permit	\$130
Residential - Demolition permit	\$75.00
Residential - Certificate of occupancy inspection	\$60.00
In addition, the following miscellaneous fees will be charged if applicable:	
Moving permit	\$100.00 (\$60.00 for portable buildings)
Reinspection fee for each callback	\$50.00 for 1st two reinspections, \$85.00 for each additional reinspection
Customer service inspection (commercial)	\$75.00
Customer service inspection (residential)	\$60.00
Temporary certificate of occupancy inspection	\$80.00
Temporary pole inspections	\$35.00
All other activities required to obtain a permit by the adopted construction codes of the City shall be charged at the following rate: \$200	

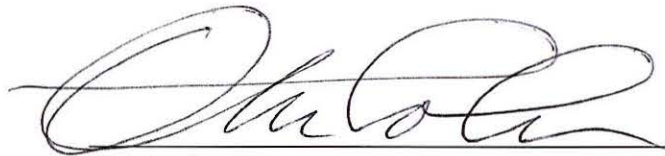
- (b) *Fire protection system permits.* Fire protection system permits shall be issued by the building official and the fees shall be the same as the building permits.
- (c) *Modification; waiver of fees.* The fees established herein may be modified or waived only by ordinance.
- (d) *Fee for work commencing before permit issuance.* In the event that work requiring a permit is started prior to obtaining the required permit, the fee and charges established by this section shall be two times the stated fee or charge.
- (e) Notwithstanding any other provision to the contrary, any reference to information regarding job cost or building valuation in the International Residential Code, as adopted and amended by the City, shall be satisfied by providing information on the square footage of roof covered floor space for a particular job.”

Section 2. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall

not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Cleveland, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. **Repeal.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED and ADOPTED this, the 18th day of June, 2019.


Otis Cohn, Mayor

ATTEST:



Angela Smith, City Secretary