



ORDINANCE NO. 3459

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING IN ITS ENTIRETY DIVISION 2 “PERMITS” OF CHAPTER 22, “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II, “ADMINISTRATION” RELATING TO THE ESTABLISHMENT AND DETERMINATION OF THE AMOUNT OF FEES TO BE PAID RELATING TO THE ISSUANCE OF BUILDING PERMITS, REVIEW OF CONSTRUCTION PLANS, MODIFICATION OF PERMITS PREVIOUSLY ISSUED, EXPEDITED REVIEW OF CERTAIN APPLICATIONS, AND A TECHNOLOGY FEE; AMENDING CHAPTER 86 “UTILITIES” BY ADDING SECTION 86-1 “PUBLIC IMPROVEMENT INSPECTION FEES”; AMENDING APPENDIX “A” “FEE SCHEDULE” OF THE CODE OF ORDINANCES BY AMENDING THE BUILDING PERMIT FEES, ADDING A TECHNOLOGY FEE, AND ADDING PUBLIC IMPROVEMENT INSPECTION FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Administration has reviewed the permit fees related to certain operations under the City’s various buildings codes and has recommended that the Code of Ordinances be amended to change such fees and enact certain new fees to better reflect current city operations, to be competitive with fees charged by neighboring cities, and to better ensure the fees cover the City’s cost in providing such services; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to concur in the recommendation of the City Administration and approve such amendments.

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

SECTION 1. Chapter 22, “Buildings and Building Regulations”, Article II, Administration”, is hereby amended by amending Division 2, “Permits”, in its entirety to read as follows:

DIVISION 2. - PERMITS

Sec. 22-51. Building permit fees.

The fees to be charged to and paid by an applicant upon approval of an application for a permit issued pursuant to Sections 109 and 110 of the Building Code as adopted by Article III of this Chapter, and Sections R108 and R109 of the Residential Code as adopted by Article III.5 of this Chapter, shall be in the amounts set forth in Appendix A of this Code identified by this section.

Sec. 22-52. Plumbing, mechanical, electrical, and irrigation permit fees.

The fees to be charged to and paid by an applicant upon approval of an application for each permit for plumbing, mechanical, electrical, irrigation issued pursuant to this Chapter, shall be in the amounts set forth in Appendix A of this Code identified by this section.

Sec. 22-53. - Registration of contractors.

All plumbing contractors, mechanical contractors, irrigation contractors, fire sprinkler contractors, electrical contractors, sign companies, and master, plant and journeyman electricians performing work within the City must be registered with the City's Building Inspection Department prior to commencing performance of any work within the City.

Sec. 22-54. - Final calculation and payment of required construction cost fees.

(a) The construction values used for calculating permit fees shall be not less than the most set forth in the Building Valuation Data (BVD) table published by International Code Council (ICC) in August of the calendar year immediately prior to the date of submission of the application to the Building Inspections Department. Every permit application shall set forth:

- (1) the applicant's estimated total value of the construction that is the subject of the application including, but not limited to, the estimated value of all materials, equipment, labor, overhead and profit;
- (2) the square footage area of the structure(s) to be constructed;
- (3) the type of construction and occupancy class of the structure to be constructed as determined by the applicable construction code(s) adopted pursuant to Articles III through VII.7 of this chapter;
- (4) the signed statement of the applicant stating that the statements and information set forth in the application is to true and correction.

(b) If upon completion of construction of the building that is the subject of a permit, the actual cost of construction is determined to exceed by greater than five percent (5.0%) the value of construction set forth in the permit application, the applicant shall amend the application and pay the difference in the fees calculated based on the increased construction value and amount of the permit fees paid at the time of issuance of the permit not later than ten (10) days after receipt by the applicant of written demand from the City.

Sec. 22-55. – Plan review deposit.

A non-refundable plan review deposit of one-half of the permit fees, calculated in accordance with Sec. 22-54, shall be paid at the time of submitting construction plans for review. If the calculated permit fees are \$1000.00 or less, the total permit fee shall be paid at the time of submitting plans for review.

Sec. 22-56. – Permit revision fee.

If construction plans are revised after issuance of a building permit to the extent the permit must be amended, and the plan revisions are not requested or required by the City, a permit revision fee of \$150.00 per hour, with a one hour minimum, shall be paid, based on the number of hours spent by City staff reviewing and approving the revised construction plans and preparing the revised permit. The amount of the permit revision fees charged after the initial one-hour minimum shall be determined based on the nearest whole hour. The fee required by this section must be paid upon completion of the permit revision review and prior to issuance of the amended permit.

Sec. 22-57. – Permit expediting fee.

(a) A permit expediting fee in an amount equal to the permit fee calculated pursuant to Sec. 22-54 may be paid in addition to the permit fee to reduce standard permit turnaround times.

(b) Permit expediting fees shall be paid in full at the time of submitting plans for plan review and are in addition to the plan review deposit required by Sec. 22-55.

(c) The permit expediting fee is applicable only to permit applications that do not require additional review outside of the Building Department.

(d) Permit expediting fees are non-refundable; provided, however, if, after payment of the permit expediting fee, the Building Official determines the project that is the subject of the application is of sufficient size or complexity that the amount of time required to review and comment on the construction plans cannot reasonably be accomplished with the required time for expedited review set forth in Section 22-57(e), the Building Official shall return or otherwise be authorized to refund the permit expediting fee to the party paying such fee.

(e) With respect to a permit application for which a permit expediting fee has been accepted, the Building Official or designee reviewing the plans in association with the application shall complete the review of the plans and reply with written comments to the applicant and/or issue the permit not later than seven (7) business days after receipt of the permit application, the required number of sets of complete construction plans, and the building permit fee and permit expediting fee have been paid. If the plans are returned to the applicant with a request for changes and resubmission for review prior to issuance of the requested permit, the review and comment period by the City reviewer of the application shall not exceed seven (7) business days after delivery to the Building Inspections Department of the revised plans.

Sec. 22-58. – Technology fee.

In addition to the other fees required by this division, a non-refundable technology fee will be paid at the time of issuance of a building permit in the amount set forth in Appendix “A” of this Code.

SECTION 2. Chapter 86 “Utilities” of the Code of Ordinances is amended by adding Section 86-1 “Public Improvement Inspection Fees” to read as follows:

Sec. 86-1 Public Improvement Inspections; Fees.

(a) No person shall commence construction of any street, alley, potable water line, sanitary sewer line, drainage facility or other improvement to be constructed in association with the use, development, or redevelopment of land within the City and which, upon completion of construction or installation of such improvement, the person intends to be accepted, owned, and maintained by the City as a public improvement, without first paying a public improvement inspection fee in the amount set forth in Appendix “A” of this Code. The City may suspend the issuance of any permits, certificates of obligation, or the granting of any other approvals with respect to the land being developed, redeveloped, or otherwise served by the improvements being constructed unless and until the required public improvement inspection fees are paid.

(b) The owner, developer, and contractor shall at all times during construction provide access to the public improvements being constructed to the Director of Public Works, the Director’s designee, or other person with whom the City has contracted, for the purpose of inspecting such improvements to ensure compliance with all applicable federal, state, and city laws, ordinances, regulations, and design and construction standards.

(c) The fee authorized by this section shall not be assessed with respect to public improvements constructed using City funds pursuant to a construction contract between the City and the contractor constructing the improvements or when collection of such fee is otherwise waived pursuant to an agreement authorized by the City Council.

SECTION 3. Appendix “A” of the Code of Ordinances shall be amended as shown in Attachment 1, attached hereto and incorporated herein by reference, by amending the fees previously established pursuant to Sections 22-51 and 22-52 of the Code of Ordinances and by adding the technology fee as authorized by Section 22-58 of the Code of Ordinances as enacted pursuant to Sections 1, and by adding the Public Improvement Inspection Fee as authorized by Section 86-1 of the Code of Ordinances as enacted pursuant to Section 2 of this Ordinance.

SECTION 4. Fees for services and/or materials provided by the City of Farmers Branch before the effective date of this ordinance, or permits for which a completed application has been submitted to the City of Farmers Branch before the effective date of this ordinance, are governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the services

and/or materials were provided or permit applications submitted, and the former law is continued in effect for this purpose.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 6. This Ordinance shall be effective immediately upon final passage; provided, however, the rates established by this Ordinance shall be effective on September 1, 2017.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 15TH DAY OF AUGUST, 2017.

APPROVED:

Robert C. Dye, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8-9-17:102.88850)

**Ordinance No. 3459
Attachment 1**

APPENDIX A – FEE SCHEDULE

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22-51	Building permit fees:	
	Construction Value (CV)	Permit Fees
	\$ 0.00 - \$1,000.00	\$50.00
	\$1,001.00 - \$2,500.00	\$75.00
	\$2,501.00 - \$5,000.00	\$100.00
	\$5,001.00 - \$7,500.00	\$125.00
	\$7,501.00 - \$10,000.00	\$150.00
	\$10,001.00 - \$25,000.00	1.5% of CV
	\$25,001.00 - \$50,000.00	\$375.00 or 1.3% of CV, whichever is greater
	\$50,001.00 - \$100,000.00	\$650.00 or 1.1% of CV, whichever is greater
	\$100,001.00 - \$500,000.00	\$1,100.00 or 0.9% of CV, whichever is greater
	\$500,001.00 - \$1,000,000.00	\$4,500.00 or 0.7% of CV, whichever is greater
	\$1,000,001.00 and up	\$7,000.00 or 0.5% of CV, whichever is greater
	Other fees:	
	Description	Amount
	1. Inspection performed outside of normal business hours (minimum 2 hours), per hour.	\$50.00
2. Re-inspection fee assessed under provisions of Building Code.	\$50.00	
Exemptions from fees:		
1. Work performed on independent school district property.		
2. Work performed on city property.		

Ordinance No. 3459

Attachment 1

Plumbing, mechanical, electrical, and irrigation permit fees:	
Construction Value (CV)	Permit Fees
\$ 0.00 - \$1,000.00	\$50.00
\$1,001.00 - \$2,500.00	\$75.00
\$2,501.00 - \$5,000.00	\$100.00
\$5,001.00 - \$25,000.00	2.0% of CV
\$25,001.00 - \$100,000.00	\$500.00 or 1.5% of CV, whichever is greater
\$100,001.00 - \$250,000.00	\$1,500.00 or 1.0% of CV, whichever is greater
\$250,001.00 and up	\$2,500.00 or 0.5% of CV, whichever is greater
Other fees:	
Description	Amount
1. Re-inspection fee assessed under provision of applicable code.	\$50.00
22-58	Technology Fee
	\$3.00(paid upon issuance of each permit)

Public Improvement Inspection Fee	
86-1	3.0% of the cost for construction of the public improvement to be constructed based on the higher of a cost estimate prepared by a Texas Professional Engineer and approved by the Director of Public Works or actual cost based on the price set forth in the contract between the owner/developer and the contractor constructing the improvement.