

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS AMENDING THE OLMOS PARK CODE OF ORDINANCE SECTIONS 2-12(a) (b), 8-21 103.2.6, 8-26 (a), 8-26 (d) (3), (4), AND (5), 8-61 (d) 1, 2, AND 3, 8-94(d) (e), 8-128 (a), 8-302, 32-274, 32-275, AND 32-277 TO ESTABLISH FEES AND CHARGES; PROVIDING FOR SEVARABILITY; PROVIDING FOR A PENALTY; AND PROVIDNG FOR AN EFFECTIVE DATE.

Whereas, the city has previously established fees and charges as authorized by Texas Local Government Code Section 214.908; and

Whereas, the state legislature recently adopted HB 3492 requiring that cities review and re-adopt fees and charges at least every ten years; and

Whereas, the City retained the services of Willdan Financial to complete a comprehensive rates and charges study; and

Whereas, the findings of the study were presented and accepted by the City Council at the regular meeting on January 17, 2024; and

Whereas, the City Council desires to amend the City's Code of Ordinance for compliance with newly enacted state legislation and updated city processes and procedures, as shown in Exhibit A, and in conformance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS, THAT

Section 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. That the City Code of Ordinance of the City of Olmos Park, Texas is hereby amended as set forth as shown in Exhibit A.

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Olmos Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

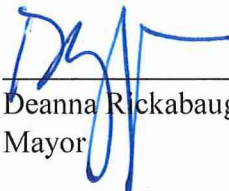
Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Ordinance shall be in force and effect from and after its final passage and any notice and publication required by law.

PASSED AND APPROVED this 20th day of March, 2024.



Deanna Rickabaugh
Mayor

ATTEST:



Hilary Pickard
City Secretary



EXHIBIT "A"

The City Code of the City of Olmos Park is hereby amended as set forth below. ~~Strikethroughs~~ indicate deletions and underscore indicates additions.

Sec. 2-12. - Official fees.

- (a) *Appeals to the board of adjustment.* The city manager is directed to collect a fee of ~~\$150.00~~ \$500.00 for appeals to the board of adjustment for one variance plus ~~\$50.00~~ \$ \$150.00 for each additional variance requested by the same property owner and heard at the same public hearing.
- (b) *Replatting and rezoning.* The city manager is directed to collect a fee of ~~\$300.00~~ \$500.00 for applications to the planning and zoning commission for replatting or rezoning in any plat or district of the city.
- (c) *Special Use Permit.* The city manager is directed to collect a fee of \$500.00 for special use permit applications.
- (c) *Copies of municipal court documents.* The following charges are established for providing copies of public information made by the municipal court clerk or deputy clerk:
 - (1) 50 pages or less: \$0.10 per page.
 - (2) More than 50 pages: \$0.25 per page.
- (d) *Payment by credit card.* All municipal officers of the city who collect fees, fines, court costs, or other charges are authorized to accept payment of sums of \$100.00 or more by MasterCard, Visa, American Express, or Discover credit cards or by electronic means and to collect a fee for processing payments by credit card or by electronic means. The city will not accept payment by credit card or by electronic means for fees, fines, court costs, or other charges totaling less than \$100.00 and establishes the sum of \$100.00 as the minimum charge that may be paid by credit card or by electronic means. A processing fee for payment by credit card or by electronic means in the amount of 3.5 percent of the amount so paid is hereby set. The municipal officer collecting a fee or charge under this section shall deposit the fee or charge in the general fund of the city.

Sec. 8-26. – Fees.

- (a) *Building permit and inspections.* Fees associated with the issuance of building permits and building inspections shall be based on the following square footage table:

Project Square Footage*	Permit Fee Calculations
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0—750 Sq. Ft.	\$3.00 <u>\$2.50</u> per square foot, but no less than \$250.00
751—1,000 Sq. Ft.	\$2.45 <u>\$1.95</u> for each square foot or fraction thereof
1,001—2,500 Sq. Ft.	\$2.20 <u>\$1.70</u> for each square foot or fraction thereof
2,501—3,000 Sq. Ft.	\$2.10 <u>\$1.60</u> for each square foot or fraction thereof
3,001 Sq. Ft. and greater	\$2.00 <u>\$1.50</u> for each square foot or fraction thereof

*Project Square Footage will be determined by the total square footage of occupied and unoccupied spaces of the project.

- (d) *Plan checking fees.* For the checking of all required plans, the fee shall be 25 percent of the building permit fees ~~\$30.00~~.

- (1) *Fee refunds.* In accordance with section R108.5 of the International Residential Code and section 109.6 of the International Building Code, the building official shall authorize the refunding of fees as follows:

- a. The full amount of any fee paid hereunder which was erroneously paid or collected.
- b. Not more than 85 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- c. Not more than 85 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of permit issuance.

- (2) *Moving of building or structure.* For the moving of any building or structure, the fee shall be ten percent of taxes on the structure or \$50.00, whichever is greater.
- (3) *Demolition of building or structure.* For the demolition of any building or structure, the fee shall be ten percent of taxes levied by the city on the structure or ~~\$50.00~~ \$100.00 whichever is greater.
- (4) *Inspection fees.* Inspection fees for all required inspections are ~~\$50.00~~ \$75.00 per inspection. All additional inspections will be \$75 .00 per inspection.

- (5) *Reinspection fees.* ~~The fee for each reinspection will be double the original inspection fee.~~ The first reinspection fee will be \$100.00. Any reinspection after this will be \$150.00.

Sec. 32-274. - Registration of tree service vendors.

- (a) Any business or contractor providing tree services related to installation, heavy pruning or removal of trees within the city must register with the city to become a registered tree service vendor.

Exception: Lawn maintenance professionals hired to provide general landscaping activities on a scheduled basis such as mowing, lawn trimming, planting, tree trimming, pruning, or removal shall not be required to register with the city. This exception shall not apply to any removal of tree(s) in excess of ten feet DBH. This exception shall not apply to any pruning above ten feet in height of the tree.

- (b) The following items shall be required for application for tree service vendor registration:
- (1) Application for a registered tree service vendor, and
 - (2) \$100.00 Contractor Registration Fee; and
 - (3) Valid tree pruning license from the City of San Antonio, or
 - (4) Verification of ISA certified arborist on staff.
 - (5) Provide the City of Olmos Park with a certificate of liability insurance policy listing the City of Olmos Park as a certificate holder.
- (c) Limbs, branches and other cuttings from tree services performed by registered tree service vendors shall be removed by the registered tree service vendor by the end of each business day the work was performed.

Sec. 32-275. - Permit required.

- (a) A tree pruning permit is required for the heavy pruning of any trees.
- (1) Tree Pruning Permit fee is \$25.00

Exception: A pruning permit shall not be required when the pruning is completed by the property owner, or any personnel regularly employed by the owner for the purposes of routine maintenance, or landscaping. This exception shall not apply to any pruning above ten feet in height of the tree.

- (b) A tree removal permit is required for the removal of any tree(s) larger than eight inches DBH within the boundaries of the City of Olmos Park.
- (c) The city shall consider requests for a tree removal permit, except as specified by this article, based on the following criteria:
 - (1) Is the proposed tree to be removed determined to be a heritage tree(s) according to section 32-272.
 - (2) The topography of the site;
 - (3) Whether the removal of the tree would provide more light and airspace for adjacent trees;
 - (4) Whether the existing tree is in a location on the lot that is neither visible by the public or does not contribute to the tree canopy along the street; and
 - (5) Whether exceptional architectural design performed by a registered architect may be achieved by a reduction in trees.
- (d) Requests for a tree removal permit shall include the specific reason(s) for removing the tree(s), as well as:
 - (1) A site plan that identifies the exact locations, the tree species, and the DBH of all trees within the subject property and specifically identifies each tree proposed to be removed; and
 - (2) Photographs that sufficiently illustrate the character and location of each tree proposed to be removed.
- (e) If the tree removal permit is being requested in conjunction with a building permit, the request may also be required to include existing and proposed topographical information, easements, rights-of-way, setbacks, and property lines, the location of all existing and proposed structures, utilities, paved areas, and sidewalks, to the extent such information is available.

Sec. 32-277. - Heritage tree removal mitigation.

- (a) A property owner or authorized agent requesting removal of a designated heritage tree which is not certified to be dead, diseased or dying is required to provide these mitigation requirements if removal is approved by the city:
 - (1) Planting additional types of trees as listed in table 1 of this article (excluding palms, mountain laurels and crepe myrtles unless the heritage tree being removed is one of these types) with a replacement ratio (measured in inches DBH) which meets the following criteria:

- a. Minimum 1:1 ratio (one to one) replacement trunk DBH to removed trunk DBH) for individual heritage or multi-trunk heritage trees,
 - b. Minimum 1:1 ratio (one to one) replacement trunk DBH to removed trunk DBH) for individual significant tree as defined within Table 1. Designation of significant/heritage trees.
- (2) Minimum DBH for mitigation purposes is a four-inch caliper replacement specimen.
- (3) Proposed planting shall be permitted on the same lot as such significant/heritage tree(s) was removed.
- (4) Fees in lieu of mitigation. A property owner or authorized agent required to provide mitigation shall plant additional trees on the property for which mitigation is required in accordance with section 32-276(a), or shall pay a fee in lieu of planting additional trees in accordance with the following:
 - a. For residentially zoned properties a fee of \$30.00 shall be paid per inch of required mitigation for each heritage tree removed.
 - b. For commercial zoned properties a fee of \$30.00 shall be paid per inch of required mitigation for each heritage tree removed.
 - c. All fees paid in lieu of mitigation shall be placed in a tree mitigation fund. These funds shall be used to plant trees in publicly owned property, public right of way or to assist with the elimination of oak wilt.
 - d. In no event does the mitigation fee apply to a one-family or two-family dwelling that is the applicant's residence and involves the removal of a tree that is less than ten inches in diameter at the point on the trunk four and one-half feet above the ground.
- (5) Trees in lieu of mitigation fee.
 - a. A property owner or authorized agent may apply for a credit for tree planting under this section to offset payment of the mitigation fee. The application for a credit under this section must be in the form and manner prescribed by the city.
 - b. To qualify for a credit under this section, a tree must be planted on property:
 - i. For which the tree mitigation fee was assessed; or
 - ii. Mutually agreed upon by the city and the applicant; and
 - iii. At least two inches in diameter at the point on the trunk four and one-half feet above ground.
 - c. For purposes of section 33-277(a)(5)(ii), city and the applicant may consult with an academic organization, state agency, or nonprofit

organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the city.

d. The amount of a credit provided to the applicant under this section will be applied in the same manner as the tree mitigation fee assessed against the applicant and:

i. Equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the person's residence;

ii. At least 50 percent of the amount of the tree mitigation fee assessed against the person if:

(a) The property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and

(b) The person is developing, constructing, or renovating the property not for use as the person's residence; or

iii. At least 40 percent of the amount of the tree mitigation fee assessed against the person if:

(a) The property is not a residential structure; or

(b) The person is constructing or intends to construct a structure on the property that is not a residential structure.

(6) The city shall have discretion to modify mitigating requirements due to special circumstances.

Sec. 8-21. – Amendments to International Building Code and International Residential Code, 2018 Editions.

103.2.6. *Expiration and extension of building permit.* All building permits shall be issued in 1 year increments for up to a maximum of 3 years. The permit fee will be calculated by computing the annual fee from the fee schedule specified in 8-26. A 2 year permit fee is to be double the computed fee for a 1 year permit. A 3 year permit shall be determined to be the cost of a 2 year permit plus double the amount for a 1 year permit. 2 and 3 year permits require a signed affidavit from a design professional associated with the project requesting a permit for either 2 or 3 years. Permit fees are defined as the amount determined from the fee schedule specified in 8-26 and does not include any Plan Review fees or Inspection fees. Plan Review and Inspection fees will be assessed and added to the

permit fees at initial issuance. In the event that the final inspections have not been performed and passed when the permit expires, extensions may be obtained ~~in 30-day increments~~ at a per diem fee of 150% of the original permit per diem rate.

Sec. 8-61. – Permits and Fees.

- (d) *Fees.* The following inspection fees schedule shall apply to permits issued under this code:

- (1) *Inspection fees.* Inspection fees for all required inspections are ~~\$50.00~~ \$75.00 per inspection. All additional inspections will be \$75.00 per inspection.
- (2) *Reinspection fees.* ~~The fee for each reinspection will be double the original inspection fee.~~ The first reinspection fee will be \$100.00. Any reinspection after this will be \$150.00.
- (3) *Permit fees.* The following fees will be charged for electrical permits in accordance with the following table:

ELECTRICAL PERMIT FEES	
New residence	\$550.00
Improvements/remodels	\$250.00 <u>\$265.00</u>
Accessory building	\$150.00 <u>\$265.00</u>
Swimming pool/spas	\$150.00 <u>\$225.00</u>
Electric gate	\$100.00 <u>\$115.00</u>
Generators	\$100.00 <u>\$175.00</u>
T-Pole and temporary cut-in	\$100.00 <u>\$105.00</u>
Repair and minor work	\$100.00 <u>\$115.00</u>
Minimum permit fee, any type	\$100.00 <u>\$106.00</u>

Sec. 8-94. – Permits, inspections, and fees.

- (d) *Fee payment.* The fee for heating and air conditioning work shall be paid by the person applying for a permit at the time application is made. ~~All additional inspections will be \$50.00 per inspection.~~

(1) *Inspection fees.* Inspection fees for all required inspections are ~~\$50.00~~ \$75.00 per inspection. All additional inspections will be \$75.00 per inspection.

(2) *Reinspection fees.* ~~The fee for each reinspection will be double the original inspection fee.~~ The first reinspection fee will be \$100.00. Any reinspection after this will be \$150.00.

(e) Permit fees. Permit fees for mechanical work shall be computed using the following table:

HVAC AND MECHANICAL PERMIT FEES	
New residence	\$550.00
Improvements/remodels	\$250.00 <u>\$260.00</u>
<u>Replacing A/C</u>	\$100.00 <u>\$140.00</u>
Replacing A/C *each additional ton exceeding three rated tons shall be charged per rated ton	<u>\$60.00</u>
Replacing furnace unit	\$100.00 <u>\$140.00</u>
<u>All new systems</u>	\$200.00
All new systems *each additional ton exceeding three rated tons shall be charged per rated ton	<u>\$60.00</u>
Minimum permit fee, any type	\$100.00 <u>\$140.00</u>

(1) *Inspection fees.* Inspection fees for all required inspections are ~~\$50.00~~ \$75.00 per inspection. All additional inspections will be \$75.00 per inspection.

(2) *Reinspection fees.* ~~The fee for each reinspection will be double the original inspection fee.~~ The first reinspection fee will be \$100.00. Any reinspection after this will be \$150.00.

Sec. 8-128. - Permit fees.

(a) Permit fees for plumbing work shall be computed using the following table:

PLUMBING AND GAS PERMIT FEES

New residence	\$550.00
Improvements/remodels	\$200.00 <u>\$260.00</u>
Swimming pools/spas	\$1,000.00 <u>\$750.00</u>
Irrigation systems	\$200.00
Fire sprinkler	\$250.00 <u>\$325.00</u>
Gas line w/GTO	\$200.00
Minimum permit fee, any type	\$100.00 <u>\$140.00</u>

(1) *Inspection fees.* Inspection fees for all required inspections are ~~\$50.00~~ \$75.00 per inspection. All additional inspections will be \$75.00 per inspection.

(2) *Reinspection fees.* ~~The fee for each reinspection will be double the original inspection fee.~~ The first reinspection fee will be \$100.00. Any reinspection after this will be \$150.00.