

TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2019-06-823

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, CREATING ARTICLE 3.11 MISCELLANEOUS BUILDING FEES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas, is A Type A General Law municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council is empowered under section 51.012 of the Local Government Code to adopt ordinances necessary for the government, interest, welfare, or good order of the municipality; and

WHEREAS, the Town Council does hereby find and determine that the adoption of this Ordinance is necessary for the government, interest, welfare and good order of the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
FINDINGS

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas and necessary for the government, interest, welfare, and good order of the Town.

SECTION 3. AMENDMENTS

3.01 That the Town of Hickory Creek Code of Ordinances, Chapter 3 Building Regulations; Article 3.11 Miscellaneous Building Fees is hereby created and shall read:

“Section 3.11.001. New Residential or Multi-Family. The issuance of a building permit is required prior to the commencement of any new construction of Residential or Multi-Family dwellings. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council. The building permit fee entitles the applicant to 10 inspections.

Section 3.11.002. Altered Residential. The issuance of a building permit is requires prior to the alteration, addition, conversion, or remodel, of a Residential or Multi-Family dwelling. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council. The building permit fee entitles the applicant to 10 inspections.

Section 3.11.003. Plan Revision Fee. All revisions, changes, additions, or alterations to an approved plan that resulted in the issuance of a building permit must be submitted to the Town prior to undertaking any construction not in accordance with the approved plan. An applicant of such a revised plan must pay a fee prior to the issuance of a building permit for the revised work. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.004. Outdoor Living Structure Fee. The issuance of a building permit is required prior to the construction of an arbor, pergola, cabana, deck, or permanently installed outdoor cooking improvement. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.005. Attached Concrete. The issuance of a building permit is required prior to the construction of a concrete, asphalt, tile, stone, or similar impervious flatwork that is immediately adjacent to an improvement requiring the issuance of a permit. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.006. Freestanding Concrete. The issuance of a building permit is required prior to the construction or alteration of concrete, asphalt, tile, stone, or similar impervious flatwork that is not immediately adjacent to a improvement requiring the issuance of a permit. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.007. Foundation Repair. The issuance of a building permit is required prior to the commencement of foundation repair work. Prior to the issuance of such a permit the applicant

shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.008. Removal. The issuance of a removal permit is required prior to demolition, removal, or relocation of any structure or improvement that requires the issuance of a permit. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.009. Drainage Permit. The issuance of a drainage permit is required prior to the construction, alteration, removal, or modification of any improvement or earthwork intended to modify the flow of water, collect water, or alter the natural flow of water. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.010. Mechanical Permit. The issuance of a mechanical permit is required prior to the installation, modification, alteration, or removal of a plumbing, HVAC, electrical, or ventilation system or component thereof. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.011. Subdivision Perimeter Permit. The issuance of a subdivision perimeter permit is required prior to the installation or removal of a fence, wall, retaining wall, or similar permanent improvement along the boundary of a subdivision. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.012. Irrigation Permit. The issuance of an irrigation permit is required prior to the installation, modification, or removal of an irrigation system or component thereof. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.013. Retaining Wall Permit. The issuance of a retaining wall permit is required prior to the installation, modification, repair, or removal of a retaining wall. A retaining wall is any stone, concrete, metal, plastic, composite, asphalt, wooden, or similarly constructed improvement installed at ground level more than 10 inches in height. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.014. Roofing Permit. The issuance of a roofing permit is required prior to the installation, repair, or removal of any portion of a roof exceeding 25% of the existing roof area of a structure. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.015. Solar Permit. The issuance of a solar permit is required prior to the installation, repair, modification, or removal of a solar photovoltaic electric system. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.016. Spa Permit. The issuance of a spa permit is required prior to the installation, repair, modification, or removal of a spa, sauna, or hot tub. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.017. In-Ground Pool Permit. The issuance of an in-ground pool permit is required prior to the installation, removal, or modification of a swimming pool installed below grade. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.018. Above-Ground Pool Permit. The issuance of an above-ground pool permit is required prior to the installation or removal of a swimming pool installed above grade. Prior to the issuance of such a permit the applicant shall pay a fee. The amount and method of calculation of this fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.

Section 3.11.019. Unpermitted Work. No work may commence on any matter requiring a permit without first obtaining a permit. Any person who commences work in violation of this provision shall pay an additional fee. The amount and method of calculation of this additional fee is listed in the “Application and Fee Schedule” as adopted by the Town Council.”

3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4. **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5.
SAVINGS CLAUSE

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting utility rates and fees which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6.
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7.
PENALTY

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in a court of competent jurisdiction to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 8.
PUBLICATION CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to publish in the Official newspaper of the Town of Hickory Creek, the Caption, Penalty Clause, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

SECTION 9.
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty Clause, and Effective Date clause in the

minutes of the Town Council of the Town of Hickory Creek and by filing this Ordinance in the Ordinance records of the Town.


SECTION 10.
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

AND IT IS SO ORDAINED.

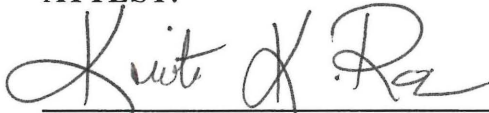
PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 18th day of June, 2019.






Lynn Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:



Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:



Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas